

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

12.14 Vol 256 p 13710-13802

SAAKNOMMER: CC 482/95

PRETORIA

1987-08-12

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST E

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

256

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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VOLUME 256

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COURT RESUMES ON 12 AUGUST 1987.

POPO SIMON MOLEFE, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, I just want to get something clear before we carry on. The offices of the UDF in Khotso House, is it correct that it is one big office with a partition between two offices?

COURT : Is it one big room?

MR JACOBS : A big room with a partition in ^hwith one single door to enter the big room and from the one room you enter into the other? -- No, no, that is not the position. (10)

What is the position? -- We have the floor, a corridor, a section of the floor and then out of that big room where there were no offices, two small offices were made there with a ... (Court intervenes)

COURT : Just a moment. Do you have the end section of the corridor? Or a middle section of the corridor? Or do you have the whole floor? -- The whole corridor. It is a section of the floor.

I take it there is a lift? -- There is a lift.

When you get out of the lift, is the whole floor occu-(20)
pied by the UDF offices or is there somebody else on that floor? -- There are other people on the floor, but they are not offices. I think it is rooms for servants who work for the SACC and they have their bathrooms and showers on that floor. The section on the right-hand side when you are facing the west, would be where the offices of the UDF are. It is a corridor you go in and then you have a block of two offices, each one of them with its own door, entrance, but you - when you come into the office, you come through the door that leads to the entire corridor. (30)

I am/...

I am sorry, I still have not got the picture. When you get out of ... -- May be I should try and draw a rough sketch of it.

Yes, do so. -- (Witness makes a sketch)

From your sketch I glean the following. You can get out of the lift on either side. Is that correct? -- That is correct.

If you get out of the lift on the northern side, the corridor takes you towards the west. You turn towards the west on your sketch? -- That is so, but I realise I made (10) a mistake. In fact there is only one way when you get out of the lift, but as soon as you are out, then there is a way leading to the left and another one to the right. It is not as if you have got another ... (Court intervenes)

Actually, the lift has got one set of doors? -- That is correct.

Then you turn to the right and you take the northern wing of the building which wing runs east/west? -- That is correct.

You land up first of all in a reception room which (20) covers the whole width of that wing. Is that correct? -- It is the corridor.

Well, you call it a corridor, but as you have shown it here, it is the whole width of the building at that section. Is that correct? -- In front of that block that is written TVL. That means Transvaal. Just in front of that. It should actually be that small section. Just in front of what is written TVL. May I have a second look at it?

I think so, yes. At present it seems as if you have got a very big reception area which is then subdivided into (30)

two/...

two with, leaving the reception area and two cubicles and the cubicles being the Transvaal and the National offices of the UDF and then at the back there is some other. Have a further look. -- (Witness amends sketch)

What we have now is the following. When one leaves the lift and moves to the north, there enters a door which leads to the western section of the northern part of that building and you enter then an open corridor which serves as a reception area in which there is a reception desk. There are also two rooms. The first one has a door facing (10) south, but on its south/eastern corner and that is the Transvaal office. The next one, that is just to the west thereof, is the head office. It has a door which also faces south. Beyond both those rooms and at the end of the open corridor there is an old store-room which a door facing east.

MNR. JACOBS : Mag ek verlof vra, as mnr. Fick en mnr. Bizos net vinnig daarna kan kyk, of ons dit kan neem om fotokopieë daarvan te laat maak.

HOF : Wil u hê dat dit ingaan as 'n bewysstuk?

MNR. JACOBS : Dit is in die rekord ingelees. Die Hof sal (20) dit seker voor die Hof wil hou ingeval daarna verwys word weer en dat ons ook net een kan kry.

HOF : Seker.

MR JACOBS : In the head office, as indicated by you, the head office of UDF, there were two tables or two chairs for you and accused no. 20. Is that correct? -- Yes, there were two desks and chairs.

Was there a filing cabinet? -- There was a filing cabinet.

In which you kept UDF documents? -- That is correct.

In the other office, were there two desks? (30)

COURT : The other office, is that now what?

MR JACOBS : The Transvaal office. Were there two desks or one desk? -- My recollection is that they had one desk.

That was occupied by Mr Vali? -- That is so.

And the other secretary of the Transvaal region, I suppose that is Mr Moss Chikane, accused no. 21, do you know which office he occupied? -- He was not employed full time by the UDF. He was not occupying any office. He would come from time to time whenever he had the chance to walk in to see what was happening. (10)

Was he a secretary of the Transvaal regional of the UDF? -- That is correct.

So, he had no desk in any of the offices? -- No.

And in this other room, the Transvaal offices, there was no filing cabinet? -- They had a filing cabinet.

Are you sure of that? -- They had one, yes.

Because I am going to put it to you that all the UDF documents were kept in the head office office in the filing cabinet, that is UDF Transvaal documents and UDF National documents? -- That is false. That is not true. The National office did not take control of the documents of the regions. (20)

I am putting it to you that they were filed in that steel cabinet? -- That is not true. I work in that office and I know what is happening in that office, as far as the point in issue is concerned at this point in time.

You were in that offices. Where did they keep their records then? -- They had their own filing cabinet. Other records were kept in boxes that I used to see in that office. That much I have said in my evidence-in-chief and there (30)

is/...

is no change in respect of that.

Were some of the documents kept in a rack on the desks in your office, some of the documents in your office, in the UDF National office? -- There were trays if that is what the learned counsel is referring to. There was no rack on the desk... There were two trays on both the desks.

Did you keep documents in the two trays? -- Well, there would be documents there from time to time.

For what purpose did you keep them there? -- Well, sometimes when I am working with a document and I have (10) not finished what I was doing, I keep it there or I would put it in a tray if I wanted it to be filed away.

When you are absent from the office for some reason or other, do they bring in the documents that come in, the correspondence and other documents and leave it on your desk for your attention? -- Some would be on my desk, some would be filed away if I was away for many days.

And when you get back, do you not try to catch up and see what is going on in the UDF? -- Quite often one tries that, but the fact that we were understaffed and there were (20) so many things to attend to, often it was not possible to keep up the work of the UDF and I think if you look at the official documents of the UDF, you will also realise that sometime a decision is taken may be in January, but it is only in February that the National office is able to do something about it. Sometimes matters are not attended to, because we were running a very big organisation and it was really difficult to keep up with everything relating to it.

Did you have any help to assist you in drawing up the reports for the National Executive meetings every month (30) and/...

and to peruse all the documents that came in in order to draw up a report? -- Very often I drew up the report on the basis of the observations I have made when I had gone to the regions or arising out of the discussions that I had with regional secretaries. I cannot recall specifically sitting down and putting - using the documents from regions to prepare my report. There was one instance where I intended to do so but the regional reports had not arrived and I could not use the reports to prepare my report. Normally the regional reports are normally referred to when we were dealing with (10) very important events like the National General Conference. We would ask regions to send in reports to indicate their work over a period of time, but this did not happen.

Is it one of your duties to draw up a secretarial report for every National Executive meeting? -- That is correct.

Did you do it yourself or were you assisted by somebody in drawing up the reports? -- Sometimes I did it myself. Other times I was helped by my colleague, Mr Lekota, accused no. 20.

And was it the duty of the two of you to draw up (20) every month for a National Executive meeting a report? -- That is so, although there were instances when we were not able to write out reports and we went to the NEC meetings without reports.

And at the time when you did draw up a report, did you get assistance from the secretaries of the regions? -- No, no.

Did they attend the National Executive meetings every time? -- They did, yes.

Did they not assist you in drawing up the reports? -- (30)

No/...

No, no, they would write their own reports. They would come with their own reports as to what is happening in their own regions when they go to the NEC.

Did they hand over the reports to you to hand in at the National Executive meeting or did they file their own reports at the meetings? -- There were instances where the reports were handed to me, but there were instances where the secretaries would just report from their rough notes and promise that they would send reports and they would fail to do so.

There is just one thing. The filing system used in (10) your office, did you have files, hard cover files, blue files in your office to file the documents? -- What kind of files?

Did you have files? -- We did have files.

Can you explain the filing system to the Court. Is it a hard cover sort of file, binder files or what kind of files did you use? -- We used folders. I have just forgotten the exact description, the exact name, but these folders which one hangs inside the filing cabinet, the drawer of the cabinet. That is what we used. There could have been a few, may be one or two actual files, I cannot remember now, (20) but mainly that was the type of file we used, these hanging ones, but I have just forgotten their name.

I would like you to have a look at EXHIBIT C14. I would like to put it to you that this exhibit was found - one copy of this was found in the UDF offices, head office, one was found with Professor Mohammed and one copy was found with Roland White. Will you accept that? -- I cannot dispute that. I know I had this paper in the office of the UDF, this one.

I would like you to have a look at page 2 the paragraph(3 starting/...

starting with the operational objectives and it reads "Looking at the short track of the UDF ever since the historic launching in Cape Town, it is necessary that we develop some broad operational principles, specially because a set of new conditions are created every day. In this regard we need (a) to strengthen the structure and bond of the front, firstly at constituent member basis, members should not only meet at council meetings, local campaigns and various issues should involve the majority of the constituent members with the working people spearheading the political campaign." (1) Can we just pause there for a minute. Is that part of the strategy of the UDF? Do you agree to that? -- Well, these are the ideas of the man who wrote the paper. The UDF has got no problems with the ideas as set out here.

Is it part of the strategy of the UDF? Does it adhere to this principle? -- It is the wish of the UDF that things should happen in this way, but I cannot say in effect that things happened in the manner in which the speaker is suggesting here.

Did they try to have this implemented? To give effect (20) to this? -- I think we must deal section by section with this paragraph, because I think we are dealing with a number of concepts here. The first one that the paper makes here is that there is a need to strengthen the bond of the front. I understand that to mean the unity of the front. That the UDF sought to achieve at all times. The second point that is made by this paper is that that unity that UDF attempts to - that bond that it seems to build, has got to manifest itself at constituent member level. It means there must be unity within the affiliates as well. (30)

Is that also the policy of the UDF? The second point?
-- That is correct. The third point that he makes is that the members should not only meet at council meetings. Local campaigns on various issues should involve the majority of the constituent members with the working people spearheading the political campaigns. All I understand here is that if the UDF had affiliates in Pretoria for instance, it will be advisable for those affiliates as affiliates of the UDF to come together from time to time when there were matters that required attention by all of them, matters which (10) were affecting them at a local level. This is the experience that I had referred to when I had shown in my evidence-in-chief many years, several years before the formation of the United Democratic Front organisations in Soweto sought to come together to deal with the problems that are affecting them. He is merely echoing what was said and what was done by other people and the second point he makes is that the working people should spearhead the political campaigns. I understand that to simply refer to the fact that the ordinary people rank and file people (20) must be seen to be taking decisions in their organisations, determining the campaigns at that level. It is in that context that I understand it. In that context I agree that it reflects the popular views of the UDF. The policy documents of the UDF would reflect this kind of approach.

Could we just get something clear. The local campaigns, are they determined by the affiliates alone or are they determined by the UDF, National and Regional? -- Local campaigns are matters that pertain to the day to day activities of affiliates. Thus it is the affiliates who take decisions (30

on/...

on those matters. It may be that when they decide on those issues some time they might ask the UDF to come may be to address the meetings or they might want to consult with the UDF on matters that are affecting them, but essentially local campaigns are matters that are determined by affiliates.

That is determined and planned and put into operation?

-- That is so.

And what do you say, did they have to report back to the UDF about that or not? -- Well, the approach of the UDF has always been this, that we would encourage the affiliates (10) to report on those matters, on those campaigns which are UDF National campaigns and in which the affiliates were participating. To give an example. If the UDF was launching the million signature campaign and affiliates were participating in that campaign, it would be expected that the affiliates that are participating in the million signature campaign must from time to time report on the number of signatures it has collected, the kind of problems that they have encountered in the course of collecting those signatures, the kind of help they think the UDF could provide in terms (20) of facilitating that campaign. Similarly with a campaign against the constitutional proposals and the Koornhof bills, but in respect of other things like a rent problem, a school problem at local level, a problem relating to services and refuge removal, a problem relating to the condition of the houses at that level, that would not be a matter that the UDF would require affiliates to report on. However, some affiliates when attending UDF meetings in an attempt to indicate that they are active in their own areas, they had a tendency of talking about all sorts of things. (30)

Just/...

Just another question. Do you know of any local campaigns planned and initiated by UDF, either UDF National or UDF Regional? -- I cannot recall. I cannot remember.

COURT : What exactly is the question? Can you recall a?

MR JACOBS : Any local campaigns initiated and planned by UDF National or UDF Regional? -- I cannot recall.

Let us go to the next one (B) "To intensify our campaigns and in a process we must develop our organisations while we spread and implant the UDF in all areas where no form of activity is taking place." Is that also in line with (10) UDF strategy and policy? -- That is correct, it is.

And (C) "To isolate the racist government from the people by embarking on an intensified awareness program, timed at not only uncovering the empty promises of the State but also at popularising our demands and the democratic front while we neutralise the position of reactionaries." Is that in line? -- That is correct.

And is it also correct then that the enemy is referred to here as a racist government? -- Well, this document is really, this section is talking about the racist government. (2) I cannot see the word enemy in that line.

I put it to you that the enemy is referred to under different names. One of the different names is racist government. We have gone through a few of them so far. -- Well, if we are dealing with a paper written by someone else who is not here and he writes "racist government", we cannot change that to the word "enemy". I do not dispute the fact that the government was referred to as the enemy in other documents and that I myself might have said so in the past. I have said so and I have given the context (30)

in/...

in which it was said and what it means. So, I think, if we are dealing with a paragraph in a document, a section in a document, then counsel must refer me to what is written here. We must not read too many meanings into it. Maybe this writer might not have thought of that when he wrote the document.

COURT : And that, Mr Jacobs, is a very valid comment.

Actually, the documents should speak for themselves. Why do you use the word "neutralise the position of reactionaries"? Why is the word "reactionaries" used? -- Well, this is a (10) political term that is used to refer to people who are opposed to change. People who are opposed to change. People who wants to maintain the conservative positions, the older policies which are not supported by the majority of the people.

MR JACOBS : Will you agree that the perception in the UDF is also that the government is depicted as a beast that destroy the people? -- As a beast?

COURT : In this paper or somewhere else?

MR JACOBS : No, it is somewhere else.

COURT : Why do you not get the paper out, put it in front(20) of the witness and say well, this is what you say?

MR JACOBS : I want to refer you to EXHIBIT C23 page 5. Will you a look at the top paragraph. "At this very moment, that beast is destroying the Bakwana Magopa like it is trying to destroy the people of Crossroads, Rooigrond, Kliptown and elsewhere. We know that we are being offered a few crumbs, poisonous crumbs in exchange for our birth right. The vast majority of our people has spoken with one voice. We shall not sell our birth right for your poisonous crumbs." Then the paragraph under "Our task therefore is clear. We must(30)

carry/...

carry the voice of our people into every factory, township, church and home. Each and every one must go out and ensure that the voice of our people shall ring across all corners of our country. We must build our people, workers, community and students into a massive angle and an angle on which the beast that is destroying us will meet its end." So, this is the speech of Professor Mohammed, a talk given at Regina Mundi. You have already identified it on ... -- This is what purports to be a speech by Mr Mohammed. It purports to have been delivered at that meeting. I was not there. (10) I cannot confirm it. I have never seen it before I stood trial in this matter.

And this is the perception of one of the leading persons in the UDF Transvaal region and later a member of the National Executive? -- This may be his perception, but I must indicate here that this man is writing in the typical way that writers do write, poets, other writers, artists in the stage place and so on or politicians. He is using a lot of metaphor here which metaphor I would not have been able to use the way he is using it. You cannot elevate a single word, the style (20) of talking of it, of a person to elevate that to policy. I think what we can really talk about here may be is the attitude of the speaker, not the fact that he talks about a beast that is destroying the people of Magopa and so on and therefore because he is using the word beast the UDF's policy is that the government must be regarded as a beast.

Is it not so that the policy of the UDF is to depict the government in bad terms so that the people can identify themselves against the government and reject the government? -- That is not the policy of the UDF to project the government (as/...

as bad, but it is the duty of the UDF to criticise the government at all times when the need arises to deal with the problems caused by the government and this is really what is said everywhere in the world. It is not a new thing. We listen to Dr Treurnicht from time to time referring to the government, the Nationalist Party as the enemy of the Afrikaner culture and Afrikanerdom. They say these things. You hear it every day. You listen to Mr Arrie Paulus saying that. You hear that from Mr Eugene Terre-Blanche. You hear these things from time to time throughout the history. (10) You would have read about that during the time of Mr Hertzog who was then the Prime Minister, during his time with Mr Louis Botha and so on. Our history is littered with these kinds of terms. When politicians talk they use the normal political language that people who have gone through a tradition of struggle, political struggle, be that person an Afrikaner, be an Englishman, a Jew, whatever, they use this political language to criticise those that they disagree with. We cannot take one word and elevate it to a policy position. There are various ways in which people would talk, but (20) the substance of what they are saying and the object of what they are saying is to criticise the policies of the government, what the government is doing, as much as they can, or criticise those that they do not agree with, as much as they can.

COURT : The Bakwena Ba Mogopa what does that refer to? -- It refers to a tribe in the Western Transvaal who were forcibly removed by the government I think at the beginning of 1984 but any way the issue started, it reached climax in 1983 really before the end of 1983. The army trucks were sent there to bulldoze houses, schools and the people were taken (30) away/...

away. It had been a subject of legal debate and finally those people won their appeal to go back to that place. I think they were settled at a place called Pachdraai.

MR JACOBS : I would like to put it to you that the idea was to bring the government in disrespect and the perception even is that the government is illegal. Is it correct? -- I am not saying that the government is illegal. What does that mean?

In the UDF it is regarded that the government is illegal? -- What does that mean? What does that illegal mean? (10)
I do not understand.

I would like to know that from you? -- I cannot recall using that word myself. It might have been used by someone else, but I cannot remember using it.

Would you have a look at EXHIBIT C41(iv).

COURT : I see the word illegitimate there.

MR JACOBS : This document, just to identify it, is a letter from the United Democratic National office? -- That is correct

And it was issued by you yourself? -- That is correct.

And it was found at the UDF offices? -- I would not (20)
dispute that. I had a copy of each of that.

The second paragraph there "Now we of the UDF have been contending that the apartheid regime is illegitimate and so is its pernicious system of detention and charges under the security legislation." That is what you yourself said? -- That is correct.

COURT : You are referring him to a document which states "illegitimate"?

MR JACOBS : The meaning of illegitimate and illegal, is that not the same? (30)

COURT/...

COURT : No. Go and look in a dictionary. Next question.

MR JACOBS : Can you tell us what do you mean by "The government is illegitimate"? -- I mean that it is not a government elected on a popular vote by the majority of the people. It is a government that represents a minority and it denies the majority of vote.

Can we go back to that document in front of you, C23. The next paragraph. It reads "Let our pride in response of our people fire us with a new determination to destroy the local authorities and bring our struggle for freedom to a (10) new height. As we join hands ... " -- I have lost track. I cannot remember the page.

COURT : Page 5 the last paragraph.

MR JACOBS : Is Professor Mohammed stating the policy of the UDF is this regard? -- May I just quickly read the paragraph before I respond. (Witness reads paragraph) Well, in a political sense, yes. I have already given my understanding of destroying the context of the methods of the UDF.

If this was delivered as a speech, this is what the people would have understood that they must destroy Black (20) Local authorities. There was no explanation in a political sense what is meant by destroy? -- Well, there was no explanation, but they know the organisations, the methods that their organisations have been using and they know that this word has been used over many, many years. It is not a new thing that could confuse them.

The ordinary people not in the organisation themselves, they would understand it to mean that the Black Local Authorities must be destroyed? A person not underlined in the politics? -- Well, people live in those communities, although (30) they/...

they may not be actively involved, but they know what politicians are saying in their own communities. They know the operations of organisations in their own communities and they know that those organisations that are taking up, that have adopted violent strategies are not operating inside the country. They know that.

ASSESSOR (MR KRUGEL) : It is not plain what you mean now. You say the people who have chosen to use violent strategy do not operate within the country? -- They do not operate. they operate surreptitiously in - people only hear about (10) that when - over the radio and TV, when they read newspapers. They know that these organisations are lawful organisations and supporters of the UDF in any event and supporters of the SCA would understand fully the methods of that organisation. These words have been used over the years.

COURT : But now would they, if you look at the speech, let us accept for a moment that this speech was in fact delivered, would the person who listens to this speech and hears the last paragraph "let us destroy the local authorities" and what follows where a reference is made to Mandela, Sisulu, (20) Mbeki, Mahlangu, Kathrada, Goldberg, Lubusi, et cetera and in the last paragraph "let those who have been so cruelly robbed of life Mahlangu, Mogorana, Mosolodi, Motaung" not think that the courage of these people to which reference is made in the last paragraph is to be the beacon which is to be followed and these people were violent people? -- I do not know, but that is - my experience is that that is not how it normally works. I have listened to these kinds of things for many, many years and I know other people have listened to these kind of things for many, many years. (30)

People/...

People normally do not concern themselves much with the kind of methods that a person who is mentioned was using. They are more concerned with the fact that the person was doing whatever he was doing in pursuit of the goal of freedom. But I cannot preclude the possibility that one or two people could have been influenced. These things happen. They would have read about these things in the newspapers, about Mandela in the newspaper and that could have influenced them. They could have listened to Mr Botha talking over the TV or radio about them. It could have influenced them. I cannot (10) really say what would happen, but my experience is that it is not often that these things happen.

But now, who is Mahlangu? Was he not a convicted terrorist? -- Well, Mahlangu was convicted, but the perception ... (Court intervenes)

Let us just get clarity on what the speech means. Of what was Mahlangu convicted? -- I am not certain. I think it might have been - the case involved was murder, although as I understand it, he was not directly involved in killing anybody. I think somebody who was with him had killed (20) some people or so.

Was he not executed? -- He was executed.

ASSESSOR (MR KRUGEL) : But have we not had evidence before in this case that this Mahlangu who is referred to was the Goch Street case? -- That is correct. We had that. The point I wanted to make is that that is not the perception of the Black community. Although the Courts convict people as terrorists whose motives were to end apartheid, the community does not regard them as terrorists. The community looks upon these people as freedom fighters, as people (30)

who/...

who seek to liberate them. Perhaps one may deal with a similar situation that had developed in the history of the Afrikaner nation at this point in time. A situation had developed around the period 1914 when Britain had declared war on Germany and South Africa was a colony, a part of the British Empire and as part of the British Empire South Africa was required to take part in the war against Germany, despite the fact that it was not South Africa that declared war against Germany and that South Africa was not fighting Germany. A number of Afrikaner generals refused to be (10) party to that war because they believed it was an unjust war. Many of them decided to rebel against the government. Amongst them General De la Rey, I think Beyers, I think General De Wet and they decided that they would rather fight to free themselves from the British government. There was another lieutenant in the Union Defence Force, Jopie Fourie, who was also involved at that time. He did not resign from the defence force. There had been a number of clashes as a result of the rebellion between the defence force and those who had rebelled. Over hundred, I think about hundred- (20) and-thirty people died because of that. Very many died because of that. About hundred-and-thirty people casualties were suffered by the government forces and on the other hand I think about over hundred-and-ninety who died on the side of those rebelling against the government. Cases were brought up, these people were charged, some of them were sentenced. When the cases were taking place, the Afrikaner people who were not part of that rebellion when about collecting money. They set up what I think was called the "Help mekaar" scheme, that collected money for purposes (30)

of defence of those people, the rebels now. Money for defence, money to help even maintain their own families. They argued amongst them, Dr Malan who later became the Prime Minister of this country, that those who were rebelling against the British rule, in particular Jopie Fourie, should not be executed, but his execution must be stayed. The government refused. It executed Jopie Fourie, but out of I think over nine thousand people who participated in the rebellion only one thousand of them were charged and the maximum sentences that they got I think were not beyond seven years. Now, (10) over a period of time since that thing passed, the Afrikaner people in this country although they themselves were not interested in participating in that rebellion, were not party to that rebellion, they had not taken up arms in that rebellion against the Union Defence Forces, they have throughout the years regarded Jopie Fourie, General De Wet, General Beyers and De la Rey as their heroes. This is the kind of perception that develops. Whether you are White or Black, if people believe that the war that is being fought, or the struggle that is being fought, is an unjust one on the (20) side of the government and it is a just cause on the side of those who were oppressed, these perceptions develop. The situation is once more merited in the Black community. The Black community - the government says these people are terrorists. The Black community says no, they are fighting to end apartheid, apartheid has caused us untold miseries, we die every day, because every time we try to protest against apartheid, we get shot by the police in schools, in the townships when we protest against rentals. When we go on strikes at factories, we get shot. If apartheid (30) would/...

would come to an end, then we believe that the shedding of blood that has become the experience throughout the years will come to an end and they have great respect for those who have taken very serious risks in pursuit of nothing else but an end to apartheid. These are people who have forsaken their homes. These are people who have sacrificed their own education. These are people who have sacrificed the comfort of being with their families, their parents and they take the risk of even dying in the course of the pursuit of that goal. The Black community looks at these things and (10) it says we believe their cause is just, what they are saying is what we see is happening to us and we refuse to regard them as terrorists. It is a matter of perception. I want to go that far, only that far.

Let us go back to the document. Mogorana, who was he? -- Well, from the reports I read he was an exile and in terms of the case that later followed he was of the ANC.

What happened to him? -- I am not sure. I think he was executed or so.

In South Africa? -- That is so.

(20)

After having been tried by a court of law? -- That is correct.

For what was he executed? -- I am not sure about the details of the case.

Mosolodi? -- He think he was also involved in the same case. I am not quite sure.

And he was also executed? -- That is correct.

Motaung? -- I think he was also executed.

And in the same case? - I am not quite sure. I think so.

What is the next one? Joe Kwabi? -- That is correct. (30)

Who/...

Who is that? -- He was a member of the ANC. He had been banned here for many years and he left the country I think some time in the seventies or so.

What happened to him? -- He was assassinated in exile.

Ruth Furst was a member of the ANC. Griffiths Msenge?

-- I do not know if Ruth Furst was a member of the ANC.

Was she not? -- I do not know.

Very well, was she not the wife of Joe Slovo? -- She was from the reports, yes, but I do not know if she was a member of the ANC. I do not know if Griffiths Msenge (10) was a member of the ANC after it was banned.

And Joe Slovo, who is he? -- I have read that he had been a member of the Communist Party in recent reports.

And of the ANC? -- I think so.

Coming back to my question then, that is where it all started. Would somebody hearing this last part of this speech not conceivably come to the conclusion that to destroy the local authorities might include to destroy the local authorities by violent means because of these people which we have mentioned some of them at least used violent (20) means? -- I do not know. I can only say that that is not my experience. It may be that one or two persons may do that.

MR JACOBS : I just want to clear up one thing. Is it not so that Mogorane, Mosolodi and Motaung were convicted of acts of terrorism in destroying police stations where a lot of people were killed? -- I do not know the facts of the case. I have indicated that.

Can you tell the Court, what do you know about Ruth Furst? -- I know that she was the wife to Joe Slovo. I read in the papers when she died, that she was killed by a (30)

parcel/...

parcel bomb or something in Maputo.

Is that all you know about her? -- That is so. I cannot remember.

Did you do anything when she died? -- No, I cannot remember doing - I did not do anything.

Did you not write a letter? -- No, I did not.

Did you sign a letter? -- Which letter? To Ruth Furst?

In regard to Ruth Furst? -- No, I did not.

Are you sure of that? -- That is correct.

If you read the next paragraph now "Let our leaders (10) and youths who are incarcerated in the oppressors' prisons, Mandela, Sisulu, Mbeki, Mahlangeni, Kathrada, Goldberg, Lubusi, Mashigo, Manana and all the many others." These people referred to as "our leaders", is it correct that the UDF identifies themselves with these people as their leaders, the UDF leaders? -- Well, not the UDF leaders, the Black community regards these people as the leaders of the Black people. They met in the course of struggle to end apartheid and they were accepted as leaders of a great stature in the Black community. It is in that context that speakers (20) from time to time would refer to them as our leaders. It is not referred to them as our leaders in the context that they give orders to the UDF or they give instructions to the UDF, the lead the UDF. In the context that they are leaders of a great stature who emerged in the Black community. Various people have referred to them as their leader.. Earlier on in my evidence-in-chief I eluded to the statement a resolution adopted by the Labour Party Executive Committee calling Nelson Mandela our natural leader. Surely, they did not mean that he was a leader of the Labour Party. (30)

Similarly/...

Similarly you get so many statements issued by people in Inkatha, leaders of homelands, Tom Mboya, many other people who have got nothing to do with the UDF. When I was a member of the BPC I regarded them as our leaders in the sense that they were the leaders who had emerged in the Black community. There was no UDF. Throughout my stay in AZAPO this was the attitude. It is in that context.

Will you answer my question. I asked you whether you in the leadership of the UDF regard these people as your leaders in the UDF? I did not ask you about the people (10) in the townships or other organisations. I specifically asked you about UDF. -- We do not regard them as leaders of the UDF. Leaders of the UDF are those who were elected in terms of constitutional processes of the UDF.

And is it policy of the UDF to propagate these people as the leaders of the people? -- Well, the UDF has never sat down to say we propagate them as the leaders of the people. In that sense I would not say it is the policy of the UDF, but I hasten to say that in the course of speeches and as part of the normal political talk, both in the (20) townships and any where in the country, they are called our leaders, our leaders, our leaders. I said that and I had nothing to do with the UDF many years ago. Many other people are saying that. It is in that context that it is said. It is not because a conscious decision was taken that we will now propagate them as our leaders. People do not know that they are our leaders. We must tell the people that these people are their leaders.

Is it part of the strategy of the UDF and their plan of action to popularise these people as the leaders of (30)

UDF/...

UDF and the people? -- I know of no such decision by the UDF.

But is it done by the UDF or people in the UDF? -- Well, strategy is something which is discussed and agreed upon.

Is it done by the UDF and members of the UDF executives, that means on regional basis and national basis? -- Well, I would not be surprised as they said so. They spoke about them as leaders. I have given the perception in the Black community and it covers all those people who are members of the UDF. They are part of those communities.

I am not asking you about the people in the Black (10) community. I am asking you specifically about the UDF. Is that the perception of people in the UDF, the executives, nationally and regionally, to propagate and popularise these people as the leaders of the masses? -- I know of no decision to do that, but in the normal course of events when people speak, leaders of the UDF at national - leaders of the UDF in regions would have said that. It is something that one does not really pay so much attention to because it has been part of life in the community.

Just to finish it off, did UDF either at national level (20) or regional level conduct a campaign about political prisoners? -- I know of no campaign conducted by the UDF in that respect.

No one at all? -- About political prisoners, but I know that ... (Mr Jacobs intervenes?)

Leaders? -- May I answer the question and complete my answer?

COURT : Yes, do that. -- I know of no such campaign conducted by the UDF in the context in which I have defined what a campaign is in my evidence-in-chief. However, there would have been calls from time to time for the political (30) prisoners/...

prisoners to be released and that is in line with the call of the UDF for a national convention and there would have been a mention at a later stage when a lot of the leaders of the UDF were detained that may be the UDF should begin now to pay serious attention to the call for the release of political prisoners, but I know of no campaign co-ordinated by the UDF in that respect.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

(10)

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, what do you regard as a freedom fighter? -- It is a person who is fighting for freedom. There are various forms in which a person can fight for freedom. Others have adopted violent methods. A person who has adopted a violent method, when he talks about freedom fighters, he would be talking about those who are operating in an area who have adopted the strategy that he has adopted, but if I talk of a freedom fighter in the context of lawful organisations, I will be talking about people who are opposed to apartheid and who are using non-violent methods. (20)

Do you regard the people in the control of UDF regional and national as freedom fighters, you yourself as freedom fighters? -- That is correct, in the context of the latter definition that I have given.

Will you agree with me that the message in this speech if it was given by Professor Mohammed, the idea is spread that the policy to destroy Black Local Authorities is part of a policy followed by Mandela, Mosololi and the others? -- Well, I do not know in what context he is using that. (30)

I/...

I think he used the Black Local Authorities - may I just go through the paragraph?

COURT : Yes, please do so. Where are you referring to? To which part are you referring?

MR JACOBS : About the destroy of the Black Local Authorities and then their association here with Mandela and the others and our brave sons. -- I do not understand it in that context.

I put it to you that the UDF struggle is identical to that of Mosololi and the other people mentioned here? -- No, I reject that proposition. The UDF is clearly a non-violent(10) organisation. It has never adopted violent methods. Those Afrikaners who were concerned about that Jopie Fourie was being killed, those who believed that his cause was just, it cannot be imputed that they themselves were doing what Fourie was doing. They had not adopted the same methods.

Time and again you have referred to Jopie and the others. Jopie Fourie was tried for treason. Is that correct? -- He was court-marshalled, yes.

He was tried for treason? -- He was court-marshalled.

And do you agree ... -- But I think we are dealing with(20) the perceptions of the community here. I am not dealing - I am not disputing whether the court was right or not. I am saying how those who saw themselves oppressed by Britain viewed Jopie Fourie and others. That is the issue that we are concerned with here. Not whether the Courts were right or wrong. We are dealing with the perception of those communities - the community at the time. I am contending that the fact that one says the cause is just, does not mean that he is adopting the same methods. I recall very well that Chief Buthelezi himself made it very clear that he was not (30)

prepared to condemn members of the ANC who were involved in acts of violence, because he believed that their cause is just and he in fact said that they were his comrades in the struggle. This is the typical political language that people speak about and we know that Chief Buthelezi belongs to a lawful organisation. You cannot conclude that because he has made that statement, then it means he is going to take up the violent methods or because he has said that, the people he is talking to will immediately go and take up arms. That does not happen in our communities. We (10) have lived in those communities for a long time. These speeches have been said there. I know of no incident where after a person made a speech people laughed and took up arms or engaged in acts of violence. I know of no such experience.

And you must agree, I am sure, that the Afrikaner in your example did not popularise the rebels as part of the freedom struggle to destroy a government or a part of a government or the government instituted organisations? -- Priests, I think amongst them, Neethling, year after year when they met, especially when I think they were commemo-(20) rating the Great Trek or so, from time to time when they met they spoke about Jopie Fourie. I remember reading where he was referred to as our flesh and blood and they said anything that is for freedom is good, his cause was just. That is what he was saying and the man as a priest, he himself was not taking up arms, he was not engaged in a violent struggle. He was saying these things, addressing the masses of Afrikaners. You see? This is history. Part of a historical development. We are part of the history of South Africa. We listen to all these things, we read them, but(30)

we/...

we have chosen that we do not believe that violence is good for us. We believe that we can bring about change through non-violent methods. We have chosen that for ourselves. Other people have chosen what they have chosen, but we have chosen that. That situation had developed with the Afrikaners. Others believed that they had to involve themselves in organisations which are non-violent. Strengthen their parties in parliament and win and finally establish a government that would be fully under the control of the Afrikaner people and so on. Develop the Afrikanerdom, Nationalism based (10) on Afrikanerdom. Others decided that they must fight it out. Whilst Britain was busy fighting Germany, this is the opportunity for us to take over Pretoria and now we can establish our own Afrikaner Republic based on our own value systems which were different from that of the British. You cannot conclude that because this priest is saying that Jopie Fourie is our flesh and blood, therefore he is saying let us go and take up the arms and do what Jopie Fourie has done. Why must the situation be treated differently when it involves the Black people? Why should it be treated (20) like that? I submit that when he says Jopie Fourie is our flesh and blood, he is really saying that he was one of us, he is struggling, we want the domination of Britain to end. We want to be free to decide our future. It was in that context that he said it. It was not in the context that we have taken up arms and he is one of us, because he has taken up arms and I think what Professor Mohammed is saying here must be seen in the same context as a manner of normal political speaking.

ASSESSOR (MR KRUGEL) : The problem is very simply this. (30)

What/...

What would the man who hears this speech understand, the ordinary man who hears this speech and hears the Professor saying "Let our pride in the responsible people fire us with the new determination to destroy the local authorities? Let our leaders and youths who are incarcerated in the oppressors' prisons, Mandela and so and so and all the many others, kindle the fires of freedom to burn more brightly in all our hearts. Let our brave sons and daughters who had to flee from our country and who are being hounded from their refuge, ignite the flames of freedom in the (10) hearts of all our people. Let those who have been so cruelly robbed of life" and then we have the other list of names, Mahlangu and others "inspire us with new levels of courage, strength and determination to grasp our freedom and we see a new dawn of a free South Africa coming shining through." [The question is, would not the person hearing this speech regard this as an invitation to commit violence? -- No, I do not see it in that way. I think all he is saying here is that there are heavy sacrifices that people have made, much greater than any other person, that it is impor-(20) tant for us to continue opposing the system of apartheid because we have got to end a situation in which people would be incarcerated like this, people would die in exile like this. There is no where in this speech where he says they did not do it like you, they went to take up arms, you are wasting your time. I do not see it in that way. In the same way that the rest of the Afrikaner people did not see it in that way when a talk was made about those who had taken up arms.

MR JACOBS : You have given a long answer, but you did not(30)

answer/...

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answer my question. My question was simply that will you agree that the Afrikaner in the example given by you did not popularise the rebels as a part of a freedom struggle to destroy the government and government instituted organisations? Do you agree to that? Yes or no. -- Well, they spoke about them as their leaders who exemplified the Afrikaner determination in the struggle to free themselves from that British domination, but I do not know. I do not think they might not have used the word "destroy" and so on. But I thought that the issue ... (Court intervenes) (10)

COURT : Are we not guessing about speeches that neither you nor I heard in 1914? -- There are records, unless we are saying that the history that we get if we were not there, it is no history.

Actually, I have not seen those records.

MR JACOBS : One of the concepts in UDF is that in the freedom struggle UDF must challenge the State. Is it correct? -- That is correct.

What do you mean by UDF must challenge the State? -- The challenge developed in the context of the activities of the UDF looking back and saying that the UDF started as a protest front, protesting against the constitutional proposals in that the elections must not take place. In other words, the UDF was reacting to the initiatives of the government. It was not taking the initiatives itself. It was forced into the situation where it had to react. Despite the protest that took place, the organisation of the boycott of the elections for both the local authorities and the tricameral parliament, the fact that the massive people that stayed away, despite that, the government went ahead to (30)

implement/...

implement that, the government went ahead to implement those reforms and prior to this implementation, the UDF had always been arguing that these things cannot change fundamentally the lives of those people who do not have a vote. They would not improve our conditions of life to bring us nearer to the stomachs of other people, the White people in this country. The challenge therefore would actually be a situation in which the UDF becomes pro-active. It begins to take the initiative. It would say the kind of initiatives that the government would be expected to respond to at all the (10) times, but all this is said within the context of the non-violent methods of the UDF.

COURT : Just pause there then. We have different stages in the development of the UDF. Are you saying that at first it was a protest organisation or a protest front that when the reforms were in fact implemented, despite the protest, a different method was employed or you went on to a different stage, the stage of challenging the State in the sense that you have explained? -- I think in a sense, yes. Initially we look - the main focus of the UDF is the Kcornhof bills(20) and the constitutional proposals, but once the elections had taken place, the UDF is no longer going to talk about the boycott of those things. It has now - it now has to look at the by-products. The results of the implementation of those laws. In a sense it becomes an anti-apartheid front. A front opposed to apartheid and the focus of its activities broadens beyond the limited objectives that were said at the time of its formation. It means now it could begin to look at the possibility of taking up for instance the issue of housing on a national basis and made that its(30) campaign/...

campaign. It could look at the possibility of taking up the issue of removals as a campaign. Now, all we are saying is this that once there is that kind of change really in terms of the way things are done. The first one is merely that protest, the second one is more of taking initiative that tend to challenge the apartheid in a much broader sense, but that challenge would really manifest itself in things such as alright, now you said that - we said that the new constitution does not work and will not resolve our problems, you have said that it works. We challenge you now to show (10) us how the new constitution can end group areas. Show us how that vote within a ratio determined as four is to two, is to one. How you would influence change in that kind of a set-up. How you would influence change if you are not able to make the laws of the country. Show us. Alright, give us more houses. We have got no houses. You said the new constitution can work. Build more houses for us. Remove the laws that make it impossible for us to stay where we wish to stay. Remove the laws which the government, in terms of which the government continues to force our people from (20) their historical lands to other places not of their choice and this happening only to the oppressed communities. The challenge would really manifest itself in that context. It would also relate to calls made on the government to release those who are in jail, to demonstrate that if it is changed it would allow lawful organisations like the UDF to campaign freely, to propagate their own views to test whether the people who would accept the tri-cameral parliament and if indeed there has been a demonstration that the majority does not, we challenge the government to show how democratic (30)

it/...

it is if it makes laws which do not support the majority. Really, it is also a form of protest, but it is one that where the initiative comes more from the side of the UDF rather than responding to the initiatives of the government, like when it initiated the BLA's and the new constitution. It is in that context that I understand it.

This transition from protest to challenge, can one take that? When was that decided no we go on to this new method? Or did it just gradually happen? -- The debate has been taken place when really there was a talk of the future of (10) the UDF, but I think the theme was really adopted in April 1985.

MR JACOBS : I would like you to have a look at EXHIBIT C106. This document was found in the UDF offices, National offices Johannesburg.

MR BIZOS : It does not say National office.

MR JACOBS : Offices of the UDF, Johannesburg? -- I do not know the document. I cannot dispute that it was found there, but I do not know the document. I had never seen it before.

I put it to you it was found in the National offices (20) of UDF in Johannesburg? -- I had never seen this document before. I do not know, but it had never been adopted by the UDF as its official document to my knowledge.

I would like you to have a look at page 9 of this document. Will you accept and agree that the UDF did accept the principle of going from protest to challenge and from mobilisation to organisation? -- That is correct.

The page starts with "In order to move to higher level of organisaion." Because I am talking away from you and I have to look down when I read, the request was, with the (30)

permission/...

permission of the Court from accused if Mr Molefe can read and then they can hear better.

COURT : If he is prepared to do that, but it is a strain on his throat if he has to read and give the answer as well.

MR JACOBS : The trouble is, I have to look down when I read and when I look down my voice is not carrying so far to the back.

COURT : Very well, it depends on you. But spare your throat. -- For purposes of the convenience of my co-accused I will do that. (10)

MR JACOBS : Will you read the first paragraph "By protest what do we mean by these words, by protest." -- "By protest we mean a state of affairs where one articulates disapproval of a particular issue or even a system. There is a proud tradition of protest in this country going back to the end of 19th century."

Can we stop there for a moment. Is that a correct statement of the situation and seen in accordance with the policy of the UDF? -- As I understand this, it says - I think it says the same thing that I said. Disapproval means protest. (20)

COURT : Could you just inform me, this document, though you have not seen it before, what do you think it is? At least the first part of it, up to page 9. It seems to be a speech?

-- Yes, -it seems so.

At the first NGC? -- That is how it seems like.

I think you agreed with me it was the key note speech, it seemed to be the key note speech. Was this not the one held by Kunich Ndlovu? -- I am not certain. I was not there when he spoke. I cannot say so.

MR JACOBS : If I remember correctly it was agreed yesterday (30 that/...

that this was the key note speech and there was another one ...
-- I cannot recall that I agreed that this is the key note speech. I had made it clear that I was not there when the person spoke.

COURT : Who held the key note speech? Who made the key note speech? -- On reflection there were really two people who made the key note addresses although on both occasions I was not there. On the Friday night Mr Lekota, accused no. 20, addressed the opening of the conference of the UDF. I was not there. The following day it was Mr Ndlovu. Both were giving the (10) key note addresses, but I was not there on both occasions.

MR JACOBS : Why were you not there? -- Well, there had been all sorts of problems. I had been waiting for the reports from regions to compile my secretarial report. They had not arrived and I started late working on my report. By that time I was still busy on the report. That is one factor. The second factor was this that it was at the time when the police were arresting the leadership of the UDF and we sought to avoid that. I wanted to avoid that as much as I could. I thought that I could be arrested any time. (20)

Were you not at the conference at all? -- I was in and out. I was.

Will you read the next paragraph "By challenge". --
"By challenge we mean a situation where one takes on the State in certain arenas. Where one attempts as far as possible to frustrate its efforts, prevent its advances, force it to retreat and if possible cut off all its lines of retreat. Recent examples are the anti-sage campaign, the anti-constitution campaign, the Soweto uprisings, the resistance in Langa, Crossroads, the Vaal, the boycott of gutter education."

It/...

(30)

It says here that one takes on the State. Is there a difference now when you go over to challenge than before when there was only protest? Is there a difference between the two in regard to challenge and protest? -- Well, I do not know what the man had in mind, because the things he is really mentioning here, fall within the protest activities. The anti-sage campaign was a protest similar to the campaign against the constitutional proposals. It was a campaign to boycott the elections. So that - and what he refers to as the Soweto uprisings was really a protest against the usage (10) of Afrikaans as a medium of instruction and he has also included there the anti-constitution campaign. I think there is a contradiction in terms - he does not seem to understand what he is saying himself.

Is there another possibility that there is something more in challenge than in protest? -- Well, I have given my understanding and the understanding of the UDF, what the UDF had in mind when he spoke about protest challenge, moving from challenge to protest. As far as the UDF is concerned, it refers to those things that I have mentioned and within (20) the non-violent policy of the UDF.

COURT : Could we just pause there. [If one speaks of non-violence, why would one then not say the Soweto tragedy or the Soweto protest? Why would one call it the Soweto uprising Is an uprising not something which often if not all of the time, is accompanied by violence? -- I do not know, but that is the use of the language that the person has chosen, but as I understand it, what was happening there, as I understand it, what he is really referring to is the fact that many people, many school children stood up to manifest their (30) protest/...

protest against education, Afrikaans as a medium of instruction and I understand it perfectly to have been intended to be a non-violent effort by the organisers.

Let us accept that for the moment. Did it not end in a rampage by mobs? -- It did.

And that part of it, is that not what is called the uprising?-- No, I do not think so.

And the first part is the protest? -- I think he is referring to the protest, because the protest was really directed at the government policy of equalisation of the (10) languages. What the mobs do is a thing that has got no direction. They attack shops, they burn cars, one cannot really - I do not think it refers to that.

MR JACOBS : Do you agree that moving from protest to challenge is a change in the policy of the UDF? -- There is no change in the policy of the UDF. There is a change in terms of the tactics, not the policy.

And do you agree that it is important - an important matter that must be fully explained to the delegates attending that meeting? So that there can be no misunderstanding?(20) -- Well, the matter had been discussed by regions by the way before this conference took place.

COURT : When was this conference? I am sorry, it slipped my mind again? -- The conference took place in April on the weekend starting on 7 April.

1985? -- That is correct. The suggestion of the whole question of protest to challenge started at a meeting of the National Secretariate and it was discussed at length by people in the regions. It is true that it would have been discussed further in the conference, but a definition that(30)

I have given of protest to challenge, that is how we understood it. It may well be that somebody could have wanted to give his own interpretation of what protest means in his own views, but that does not change the fundamental position of the UDF of non-violence.

MR JACOBS : That is an important phase in the freedom struggle, the change from protest to challenge? -- Well, I believe any tactic that people adopt at a particular point in their struggle, it becomes important to them. It was important for the UDF, yes. (10)

And it was also important that all the delegates understand it correctly? -- That is correct.

And do you agree that to do so when you asked a person to speak on the conference, it must be certain that he will convey the correct ideas to the people attending the conference, the delegates? -- Well, it is normally intended that it would be like that, but how a person articulates those ideas, how a person decides, what a person decides when he stands there on a platform, is a matter that nobody has got no control over. (20)

COURT : Well, was he challenged on anything in this speech? You did not hear the speech so you cannot say? -- I cannot say.

Of your knowledge. Do you know whether the speech was delivered? -- I know Kunich Ndlovu spoke, but I do not know if this is the speech he delivered.

I have an idea that the contents of this speech I have read elsewhere in a UDF publication. I may be wrong. If that is so, then the speech was probably accepted. -- Which publication? (30)

I may be entirely wrong. I do not think you can depend on what I say here. I have some vague idea that in a UDF publication after this date the contents of the speech was published, set out or summarised, because this from protest to challenge, the whole concept I have read somewhere else. -- Now I recall reading it. I think it is EXHIBIT AAD2 possibly and AAD5. That exhibit talks about I think a summary of a paper that was discussed somewhere in an education seminar. Something of that kind.

Very well, let us leave it. I may be entirely wrong. (10)
-- But the point I wish to make here is that very often what goes into the publications of the UDF does not necessarily pass through the hands of the NEC. It may well be that somebody who was responsible for that publication might have printed what he thought needed to be printed. It does not mean that what was printed therefore was accepted to the UDF as its policy.

MR JACOBS : Just while you mentioned it, AAD5, do you know who compiled that document? -- I cannot remember how it looks like. I think it was something like a UDF Up-Date or some- (20)
thing. I am not certain.

Who compiled it? Can you remember? -- I do not know. It was not there before I got arrested.

Is it also correct that before a speaker, especially a key note speaker goes into a meeting and addressing the delegates, that they discuss it beforehand what he is going to say and do at that meeting? -- Well, normally that happens. Important policy areas are discussed. Sometimes we ask a speaker to write a paper and then present it to the NEC before it is delivered, but in this instance it did not (30)
happen/...

happen, because the person who was supposed to speak there simply did not do what he was supposed to do. Professor Guvadi was supposed to speak. He did not turn up.

Do you know how this specific document ended up in your offices then? -- I do not know.

Was it not sent before the time to your offices? -- At the time of the conference there was no key note address prepared before the person who was asked to do so, did not do so. So, it was not there.

And I put it to you that that is what actually (10) happened. There were discussions with the person who delivered this speech and he delivered the speech according to the plans and according to the prescriptions of the UDF. -- I reject that, if it is suggested that this is according to the UDF position. However, I do not dispute the fact that the question of the key note addresses was discussed and ideas thrown around as to what should go into that. I think that would be contained in the TC series. I am not certain. Possibly it is TC16 or so, which should be the meeting of the National Secretariate. (20)

COURT : My learned assessor points out that in C102 seem to be the official papers of that conference. -- That is correct.

One gets the same phrase. -- It has?

The same phraseology as in this paper. -- Are we saying that it has got the same phraseology that talks about June 16 uprising and so on?

No, no, no. Do you have the statement of the UDF National General Council there in front of you? -- I have got that. (30)

If/...

If you turn to the second page, the fourth paragraph. We have the following "Finally we pledge to organise the masses of our people to effectively challenge the apartheid State by frustrating its efforts, preventing its advance, forcing its retreat and if possible to cut off all its lines of retreat." Now that I think we have had in this document which we are dealing with. Any way, we are not at the moment dealing with this document. Just for your edification.

MR JACOBS : Will you agree then that this states the policy of the UDF? -- Well, I agree that this is similar to the (10) point that contains the policy of the UDF but it has got other things which do not form part of the policy of the UDF. But it has got other things which do not form part of the policy of the UDF. We shall recall that here we are dealing with a thing that talks about a number of things. I have indicated that he is referring to the campaign against the new constitution as a stage of challenge and he refers to the Anti-SAIC campaign as a challenge and I disagree with him on that.

Will you agree that the Soweto uprisings referred (20) to here were violent. Do you agree to that? -- If we understand it the way I had put my understanding of the uprising as that peaceful protest, it was not violent. I do not dispute the fact that in the course of time violence erupted, but I disagree that violence was organised by the students.

Without putting it in context, if you look at the document as it stands here, the Soweto uprising, then a normal person will understand it as a violent happening? -- No, that is not how the people in the township regard it. They know there was violence on that day. They know that (30)

the/...

the students did not organise violence.

And resistance in Langa. Can you tell the Court what does this mean? Firstly, can you tell the Court, was there any violence in Langa? -- There was in the sense that the police shot at people who were going to a funeral and subsequent to that, the commission was set up, the Kannemeyer Commission which made its findings and found that the police did not handle the situation properly. Earlier on of course there had been statements made, amongst them a statement made by Minister Le Grange that people were carrying stones (10) and sticks and I think he also said petrol bombs, but later on, he retracted that statement.

Was that the first violence in Langa or was there any violence before that date? -- Well, that is the one I know of that I can recall and which happened close to this conference, a few weeks before this conference, a few days before the conference.

You do not know of any other violence in Langa? -- No, I do not know about any violence.

Crossroads? -- Again in Crossroads there had been (20) about twenty-one or so women who were shot by the police and it was reported that most of them were shot from behind. I think they were protesting removals to Kayalitsha. That happened some days before that conference.

So, there was violence in Crossroads? -- Well, in the sense that the police shot at these people, yes.

And before the police shot at them, do you know of any violence ... -- I do not know of any.

And the Vaal, there was violence in the Vaal as well? -- Well, there has been violence in the Vaal, but we also (30) know/...

know that there was a protest against the rent which was popularly supported.

Who started the violence in the Vaal? -- We do not know. From the evidence we got here, it seems like it was individuals who were unruly and even at that time, that was the understanding, the perception of the UDF that certain unruly elements had caused the problems in the Vaal Triangle. I have read about this in the UDF Transvaal document. By the way I was not able to operate from the office at that time.

And the boycott of gutter education, do you know of (10) any violence in regard to that? -- This is a very long thing. Boycott of education is a long story. It took place at different times over the previous twenty years or so. There had been boycotts taking place from time to time. In fact the main boycott was I think around 1953. So, that I do not know if there was any violence at that stage.

But recently? -- There had been reports from time to time in the newspapers that may be a person was shot and so on.

If you will have a look at that paragraph. We are referring to that paragraph. It says "Recent examples are (20) the Anti-SAIC campaign and the Anti-constitution campaign and then it goes on. That is also recent examples? -- It does not say how recent, because this person has spoken about a proud history of protest up to the end of the 19th century.

Do you regard that as recent? -- In his terms, if you look at how far back he goes, he might well be saying that what happened in 1960 was recent.

COURT : Do you know the handwriting of accused no. 20? -- I think I would recognise it.

(30)

COURT/...

COURT : Is this his handwriting on the previous page, page 8?

-- No, that is not any of the writings that I have seen here.

MR JACOBS : And will you agree that all the examples given by this person are examples of violence? -- I disagree.

What violence was there in the Anti-SAIC campaign? What violence was there in the Anti-constitution campaign?

I disagree that all these examples are violent examples.

Can you differentiate between the Anti-constitution campaign and a campaign say for instance against Black Local Authorities or were they intermeshed by the JDF themselves?(10)
-- Although in a sense they would have been linked, they would have been seen as separate campaigns. One campaign addressing itself to the Black community, the African community, the other one directed mainly towards the Indian communities although it was drawing in other people to see it as a campaign much broader than the ethnic groups.

Was the Anti-constitution campaign also waged in the Black areas? -- In a sense, yes, though really not in a sustained and enthusiastic way as it would have been in the Coloured and Indian areas, but people in the African areas(20) went into the Coloured and Indian areas, so did the White - people from the White areas to participate in building up the campaign. They worked together with the people from the Indian and Coloured communities.

Will you read the next paragraph then? -- "Where that challenge has sometimes been spontaneous, our job is to transform it into a conscious process, planned as part of coherent strategy. We need also to expand the basis of our challenge. We have not yet developed a sufficiently coherent approach to take up the issues most affecting the African(30) people/...

people, especially the working class and people on the land are those being forced off the land. This conference needs to pay particular attention to these issues."

What you have read now, is this also in line with the strategy and planning of the UDF? When I refer to UDF, it means national and regional? -- That challenge must be part of a conscious process planned as part of a coherent strategy.

This whole paragraph? The whole part read by you now? -- The whole part read by me. I would not put it in the words that it has been put here, but I would say I understand this to simply mean that where people have been taking up issues in an unorganised fashion, a spontaneous fashion, that had no defined goal, the UDF must organise those communities and involve them in a disciplined activity which is more controlled and it has a defined goal. That is how I would understand it and in fact this is how we in the UDF discussed the whole question of the spontaneity of activity and the need for organisation, disciplined organisation. That is how in fact the concept from mobilisation to organisation came to be used. It was intended to (20) pull these people together into organisations to be directed in their activities, disciplined and controlled activities of the organisation, so that if what the writer of this paper means what I have said, I agree with him, but if he means something else, I disagree.

Is this then in line with the UDF's policy? -- Well, I do not know what he means. I cannot comment on that.

As it stands here? -- If learned counsel accepts my interpretation thereof, yes, I would say yes, but if learned counsel has got a different interpretation I say no. (30)

Can/...

Can you give to the Court some examples where the challenge has sometimes been spontaneous? -- Well, I do not know of that. I have never discussed a challenge that is spontaneous. I have indicated that I understand spontaneous activities normally to be undefined, with no set goals. It is not clear what - people might have something that they are protesting about, but they have not worked out how they are going to manifest their protest and so on. I do not know if that could be called challenge. It is the idea of the writer of the paper. He chooses to call it challenge. (10) I do not view it that way.

You said a few minutes ago that is precisely what you discussed. What did you discuss under the word spontaneous? To what are you referring? -- Well, spontaneous refers to actions that are taken by people, either as individuals - as individuals who may not necessarily be members of organisations and who have got no well defined goal in respect of the specific action that they take at a said point in time. All we are saying is that when people are affected by problems and are roaming around loosely, the likelihood (20) is that you can have a lot of spontaneous activity. When you have these people in an organisation, then the organisation can call meetings, it can talk to people, it can take decisions as to how it is going to handle a problem that is affecting the people, so that problem - the action taken by the organisation is controlled and disciplined. That is why the UDF considered it important to strengthen, to intensify the work of building organisational structures, drawing people into these structures and get them to participate to understand the policies of the organisations (30) they/...

they belong to.

So, must I understand then that where you in the UDF refer to spontaneity, you refer to the actions of the individuals? -- I refer to the actions that are not planned. It may be groups, I do not know, but I am talking about actions that are not planned. There is no clear idea as to how people are going to handle the problem they are dealing with. Anybody can do what he likes, without taking a note of the policy of organisations, if that person is a member of the organisation. (10)

So, must I understand it then otherwise that people outside organisations, actions, of people outside organisations? -- By and large, yes, but there might be people who may be in organisations. I cannot take a rigid position on that.

Do you regard it in the UDF people inside the organisations as an exception? -- As a rule people in the UDF would have followed the policy of the UDF. Its affiliates would follow its policies. They would discuss an issue and if they are going to take it up, they would decide how they (20) are protest around that issue. In that sense, it does not become spontaneous. I would not say that only people in the UDF are exceptions, but what I am saying is that people in organisations, organisations are able to direct their activities, discipline them. If workers go on a strike in a factory where there is no trade union and they are not organised, they might just decide to go on with the strike not understanding how best to resolve the problems with management. They might do all sorts of things, but where you have a trade union, then the trade union says alright, (30)

we/...

we understand your problems. We have these problems. We have to set up a delegation that has got to go and negotiate with management to resolve this strike and if at a certain point in time the union gets convinced that although people had wanted 50% rise, but management is prepared to give them 20% rise, with the promise that may be it might increase to 50% in two years or so, the union is able to say to them "Look, let us go back to work." Is it also able to say to them " Look, it does not mean when you are on strike now you must stone the cars of management outside, parking (10) in the street outside. In that sense it is controlled, it is disciplined, but where they are doing things where there is no organisation, anybody thinks for himself he can do what he likes and then he would be supported by others who might think that what he is doing is correct, the UDF sought to avoid that kind of a situation.

In the next part it says here you must take up issues. What issues does he refer to here and what issues must be taken up? -- There are many things that are affecting a community. I do not know what the writer had in mind here (20) specifically. Obviously it might have been ... (Mr Jacobs intervenes)

Can I interrupt you for a minute. Is it also in line with the UDF's policy to take up issues in this regard in regard to the question of challenge? -- Yes, in the context to which I have referred to them. I have spoken about housing. I have spoken about removals. I spoke about group areas. Those are issues which affect communities and we say to the government "Show us that in terms of the new constitutional proposals there has been a fundamental move (30) from/...

from the policies of apartheid and these things would go". I have said so. If it is in that context that the speaker is speaking here if at all this paper was presented as a speech, I have got no problem with that.

This is in line. You told the Court the taking up of issues and the challenge is in line with UDF policy. I do not want to know what you speculate about what the speaker means. I asked you about UDF. -- That is correct.

Its issues. -- That is correct. It addresses issues.

So, what issues are you going to take up about the (10) working class and the people on the land? Let us take working class first. -- Well, issues relating to the working class would be that people must not for instance be subjected to conditions where they have to live in single hostels where they are not allowed to live with their families, notwithstanding the fact that they were married. That the system of migrant labour be ended. That wages - if trade unions take up issues pertaining to wages on facts of law, that it must not be determined on the basis of the colour of the skin of a person, UDF would support that and it would (20) challenge the architects of the new constitution and those participating to solve those problems. They may be other issues. I have not been here with this person, but I think these are some of the issues that one would have had in mind.

But did you not discuss it at a secretarial meeting, the question of moving from protest to challenge and that you discussed what is said here as well? That was the evidence a few minutes ago. -- I am not certain if we dealt into the whole question of defining working class issues. (30)

In/...

In a normale life situation outside, one does not sit down to isolate little words here and give definitions to every word. That is the procedure followed in court. That is not what happens when a person is outside. Outside you get the overall idea and then you work on that. A person might decide to use, prevent its retreat and so on, but if you understand it to simply say that we will oppose this, we will do that, we will do that, it is alright. You do not sit down to look at this prevent might mean something else. We do not do that, but generally, the working class issues(10) are understood in the context in which I have mentioned. Not exclusively so. There may be others for instance like high transport fares. They affect mainly the working people.

Will you agree that the issues referred to here are the day to day issues affecting the lives of the people? -- Well, we are referring to working class. So, I think they would specifically refer to those issues that are affecting the working people.

And people on the land? -- Well, yes.

Or those being forced off the land? -- That is so. (20)

So, it is the day to day issues affecting their lives? -- Well, you may call them that. I have got no problem with that.

Why is the day to day issues so important to the UDF? Do you want to get anything out of it by using it or what is the reason? -- We do not use. I object to the suggestion that when a matter is addressed it is used. These issues are things that are - may be I should do this. When I talk about - I think if the word use is intended to mean that they are not real problems, they are merely excuses (30)

that/...

that people are taking up in order to reach out to something else, to achieve something else, I do not accept that, but if the word simply means it is the basis around which people could be organised and get them to take up that problem, that specific issue and get it solved, rather than having it responded to in a spontaneous way. We have a tendency of manifesting itself in some acts of violence there and there, because there is no discipline. If it means that, then I have got no problem with it. To proceed then to deal with why the day to day issues are important (10) to the UDF. The UDF is a front that organises constituencies or that is constituted by organisations whose vast majority membership comes from the poor communities, deprived communities. These are people who have got no houses. These are people who are subjected to low wages. These are people subjected to the inferior system of education. These are people who from time to time are evicted from their houses because they cannot afford high rentals and the government decrees that money to develop the township must come only from rentals, thus forcing people to - councillors to (20) increase the rent from time to time. These are people who have got inadequate health facilities. These are people who do not have enough recreational facilities. All these things, there are many others, a host of others, being like that because of the policies of apartheid and affecting the daily lives of the people on a daily basis. The UDF cannot, there is no way in which it can organise the communities without linking what it is doing with these real problems, concrete problems that the people are experiencing. It is in that context that they UDF regards day to day (30) issues/...

issues as important and they become important also because they are issues around which those organisations that join the UDF had been organising around, had been taking up long before the UDF was formed. They cannot when the UDF is formed suddenly abandon the fact that they were opposed to the removals, abandon the fact that they want adequate housing, decent houses, abandon the fact that they cannot afford rentals which increase also twice every year or at least once every year. They cannot all of a sudden decide to keep quiet about the fact that they pay daily fares to (10) PUTCO, but the PUTCO Bus Company is not able to set up proper bus shelters for people who are waiting for the bus to stand when it is raining and when it is hot. They have got to talk about those things. That is how they become important to the UDF and it is not only the UDF. Political parties are taking up these issues. Everybody is taking it up. Day to day issues because they relate to the problems of the ordinary people.

Do you agree that these issues have the potential of building up the anger of the people against the State? (20)
Yes, if people are not organised. Yes, if those issues are not addressed.

The State in the sense of the government? -- Yes, if those issues are not addressed and if people are not organised there is no disciplined approach as to how to handle those issues, they have got that potential. It has happened. I have read reports that somewhere near the thirties, the 1930's or so or the forties in the Vaal Triangle in Evaton in Sharpeville when - that time you know people were used to make home brewed beer. This beer that is made out of (30)
corn/...

corn.

COURT : With or without skokiaan? -- May be skokiaan was also there. That time the government was not allowing people - Black were not allowed to drink beer, brandy and so on. They were not allowed to do that. They were getting arrested if they were doing that. So, in the townships the people started brewing this beer and the police started raiding people for doing that. They cannot buy liquor that is sold in the towns and they are not allowed to brew for themselves. So, the police go there, they raid these places and then (10) people reacted violently to that. Now it is because the issue had not been addressed properly. There was no organisation. There was no way of deciding how people were going to deal with the police when they came in that kind of a situation. So, that any issue, if it is not addressed and it is a source of anguish to the people. It causes people a great pain and suffering, it has got a potential of violent reaction, but once people are organised, then a systematic way of addressing the issue is developed and that violence is averted, because consistently the govern-(20) ment is told that "Look, there is this problem." The government would have to go and investigate, send senior officials to check if what the community is saying is true.

MR JACOBS : It also has the potential of politicise the people? -- Yes, well, I think it would. It would certainly. It would certainly get people to start saying we have got this problem, the government is not doing anything about it, but what kind of a government we have? What kind of leaders do we have? Why do they not address our problem. In that sense, yes.

(30)

I will use the word "use" again. In the UDF you use specifically issues to politicise the people, build up their anger against the State in the sense of the government. -- I know of no policy decision where the UDF said we must use the issues to build up the anger of the people against the government. That is not the objective of the UDF to build up the anger against the government. When we talk about housing, we address it as a matter that is affecting the people, to the extent that the government is drawn into it. It is insofar as the government because of its apartheid (10) policies cannot distribute the wealth of the country equitably between the White and Black people, notwithstanding the fact that it is their combined labour that produces that wealth.

COURT : [Can I put it in this way. If I read your documentation correctly, a problem or an issue, let us call it a problem, was not addressed and dealt with as the problem as such, but it was always related to apartheid and the issue was dealt with on the basis that the people should realise that the cause of each and every problem was apartheid and (20) that therefore the demonstration should not so much be against the particular issue, but against apartheid as such. Was that not the approach? -- Well, there are instances where the approach would be that, because when you deal for instance with the issue of high rentals, we might protest to the local authorities and say "Look, you are increasing the rent, we cannot afford it. Do not increase it" and then they decide that they are not going to increase it, but for us to solve the problem at least for a reasonable period or permanently we must understand the source of that problem. The local (30) authority/...

authority is not increasing the rent because it wants to increase the rent. It is increasing the rent because the apartheid laws say that it must operate in an area where there are no resources and the government is not prepared to subsidise it, to make up for that which it cannot get, which other councils of White communities are getting. So, that, if you want to solve that problem you must understand that stopping the council from increasing the rent that time, is merely a stop-gap measure. To be able to solve the problem in the real sense, the whole issue must be addressed to (10) the government. The government must change its policy that says people cannot get money, that people must be limited to a particular area, they cannot get the money that they spent in the cities and so on. That says they must be financed from the rental. So, that in that context it would really be linked up with the issue of the government, but if it was an issue of one principle suspending five students in a school from classes, that matter would be tackled as a matter between the community and that principle.

That is between the affiliate and the principle, not (20) between the UDF and the principle? -- Well, even if the UDF was to be called upon to participate, it would still be between the UDF and the affiliates. I mean between the UDF and the principle. The situation in the Black community is a very unfortunate one, because possibly 99% of the problems that are experienced there, that are experienced in those communities are directly caused, directly or indirectly the results of the application of the apartheid policies. The situation would not be the same in a White area. Why? Because people there can vote. If a problem arises (30)

in/...

in Pretoria, it is a purely a Pretoria problem. It can be tackled there. If the NP responsible is available, he can be called to address the matter or it can just be handled by the community and the particular authority at that local level, but in our communities, even if we want to do that, it is simply impossible because the policies of apartheid make it impossible. What would you say for instance if the government says the people of Ciskei must be regarded as a nation with their own national state and the government knows that the land that they occupy is not enough and it knows (10) that there is no work in that place and it knows that the place is not industrially developed. It knows that there are no decent health care centres, not enough doctors, teachers and so on. Then after saying that, then the government says but the citizens of Ciskei will not be regarded as citizens of South Africa. Only on a special permission contract can those people who have no employment come to the urban areas to White South Africa and in the meantime there are children there suffering from kwashiorkor, malnutrition and all sorts of diseases, because there are simply not enough resources (20) there in that homelands in which people are confined- to which people are confined. People will - Mr Sebe there will try to do whatever he can - he can hit the wall with his head as many times as he likes, but he will not be able to solve that problem, because the problem is structural. To solve it he must go to a bigger South Africa and get money there, get a system that would help him to develop industries there, be able to guarantee the freedom of movement of people from his homeland into other places, find something that would help to avoid all those kwashiorkor (30)

and/...

and so on. So, that inevitably when you deal with those problems, they would from time to time be linked up with the policies of apartheid because this person is making efforts to solve the problem but he cannot because he himself is restricted by the policies of apartheid. He cannot go beyond where he is. So, that really the problems in the communities are of that nature really.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

POPO SIMON MOLEFE, still under oath

(10)

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Molefe, will you read on from where we stopped, EXHIBIT C106 page 9.

"It is not sufficient for us to harness a massive force."

--"It is not sufficient for us to harness a massive force.

We must know where to direct it. We must be capable of co-ordinating it and must be capable of achieving its objectives. There is no point, if we are capable of challenging the State in striking at the point where it is the strongest. We need to harness our forces in such a way that we can strike at the weakest link in the apartheid chain. (20) We need then to develop a capacity that we do not yet command. This entails an ability to assess where the apartheid structure is at its weakest. It also means muscling our forces and being able to co-ordinate and direct them accurately. Where such a challenge is adequately co-ordinated, we can start the process towards the achievement of our fundamental goals, where we can present such a sustained and organised systematic challenge. We can start the process whereby one moves as closer towards the transformation of South Africa from a racist tyranny towards a democratic state." (30)

This/...

This part that you have read now, is that also in line with the UDF's strategy and policy? -- I have read quite a long section. Perhaps we should take it step by step. May be I be given time to go through it once more.

COURT : Give him the concept that you want comment on.

Why do you not ask the witness is this or that the policy. Why let him read three paragraphs and then ask him whether it is the policy of the UDF? Then he has got to dissect it again. Put the point to him and ask him is that the policy. I can read whether it is in the document or not. (10)

MR JACOBS : Is it the policy of the UDF to harness a massive force? -- I am not certain what the speaker refers to by that, but if he means uniting the people and uniting organisations under the banner of the UDF, I would say yes.

Does the UDF regard the masses being united in a massive force as part of their policy? -- Well, these are really just words. This is just a word, not a policy.

I asked you not in accordance with the words here, but I am asking you is that the policy of the UDF - without referring to this now, is it policy of the UDF to have the (20) masses as a massive force? -- If that means uniting the masses under the banner of the UDF through the organisations, yes, but if it means something else, no, I do not know what the writer had in mind here. I made this point earlier on that we do not sit down to look at little words here, but when a speaker decides to use the word, the phrase massive force, then that becomes a policy.

Is it important for the UDF and is it the function of the UDF to be the co-ordinator of this, the masses as a massive force? -- If that refers to the definition as I (30)

have/...

have given, co-ordinating the organisations affiliated to the UDF those who support the campaigns of the UDF and these being organisations that unite the people, yes, that is the position, that is the policy of the UDF.

And also the people, the massive people, the masses of the people outside the organisation, are they included in this, to be mobilised in a massive force and to be co-ordinated by the UDF, their actions? -- They UDF co-ordinates the masses through organisations. It is unimaginable for the UDF to co-ordinate people who are not organised, are not(10) part of the UDF. I do not understand the question, what the question wants.

Must they be part of the freedom struggle and be co-ordinated to be part as a freedom - in the freedom struggle? -- That is correct.

Will you agree that the masses of the people are the most important part in the freedom struggle? -- Yes, the masses are important in the freedom struggle. In any party. In the Nationalist Party. Any where.

And must they in actual fact engage the government and(20) the organs of the government in the freedom struggle? -- In the context in which I have defined my understanding of challenge, yes.

And unity in action, is a primary objective, its primary objective is to draw the masses into the struggle? -- May counsel repeat the question please?

It is not in there. -- I was looking for it in this document, because I was asked to read this document. I thought we were dealing with this document.

[Let me put it firstly like this. The phrase "unity (30)
in/...

in action, is that of paramount importance to the UDF? --
It is important, yes.

And the primary objectives of this is to draw the masses into the struggle, to actively participate in the struggle? -- Yes, it refers to participation in the campaigns of the UDF by the masses, uniting all organisations around the issues that the UDF would be addressing it at a given point in time.

I would like you to have a look at EXHIBIT C4 page 4. This is a document found with Lucille Meyer and a article(10) written by Steve Twete of UDF Border region. -- That is correct. It is also the document that I said I have been informed it was rejected by the NEC.

Do you know whether this form was distributed between the members of the UDF? -- I do not know, but I assume that those who had attended the NEC might have received the copy.

The last paragraph "The working class, the spearhead of the struggle in South Africa", is that in line with the policy of the UDF? -- I cannot remember the UDF specifically adopting the policy that the working class is a spearhead.(20) However, I know that the UDF has from time to time emphasised the importance of participation by the workers or the working class as represented by the trade unions in the UDF.

Will you also have a look at the next document, EXHIBIT C This is a document issued by UDF border according to the heading. "Extraordinary Regional Council meeting, Rhodes University, June 10, 1984" and second paper by Comrade Nkenke Stofile. -- I have not seen this document before. I do not know it. I saw it for the first time as an exhibit in this case.

(30)

Do/...

Do you know who A. Hendricks is of East London? -- I do not know who it is referring to, but I know that the UDF has got a member in the Regional Executive there, in the Border who is Andrew Hendricks. I do not know if that is the same person that counsel is referring to.

This document was found in his possession? -- Is that Andrew Hendricks?

Yes. Do you accept that? -- Well, I do not know. I cannot dispute that.

ASSESSOR (MR KRUGEL) : It has been admitted. (10)

COURT : I do not know why you ask the witness whether he accepts it or does not accept it. It is irrelevant as far as I am concerned. There is an admission on the papers.

MR BIZOS : The admission refers to A. Hendricks. It may or may not be Andrew. I was making no issue of it.

COURT : Of the REC Border? -- Then it would be referring to the same person.

MR JACOBS : Will you have a look at page 4. Shall I read it? I see your throat is giving you trouble. -- No, I will read. I should be able to read. "The workers, the mothers, (2) the church and the mosque must all united in ammunishing blows against apartheid. Let us mobilise our Black labour force and liberate ourselves from the capitalist bondage. It is our power that sustains the lifespan of the oppressor. It is our opportunism that keeps the skeleton in the apartheid cupboard rattling with years of injustice. Let us mobilise, organise, be organised and fight for a free democratic and non-racial South Africa where the people shall govern and there shall be peace and friendship."

At least in the border region of the UDF it is (30)

accepted/...

K833

accepted that the workers are a very important part of the freedom struggle? -- Not only in the border region. I think I said the UDF regards them as being important, but I must state clearly that when the declaration of the UDF was adopted, the UDF sought to unite all organisations operating, different organisations from different constituencies, students, professionals, religious organisations, workers and so on, all those organisations are important, all those constituencies are important to the UDF.

Will you have a look at EXHIBIT A1 page 40. It is (10) the speech of Mr Samson Ndou and in the first column the second paragraph, the sentence starting "We as workers." -- "We as workers know that nothing is changing and we cannot remain aloof from an attempt that shows that the people should defend themselves. Workers are part of society, part of the community. Therefore pledging the society is a responsibility of the workers, because we have that power. As workers we have faced problems in the factory, low wages, unhealthy and dangerous working conditions, lack of representation." (20)

Just stop there. [It is generally propagated that the workers are an important part in the freedom struggle. Is it correct? -- I do not think this is done because the person is talking about the freedom struggle. The speaker here is a trade unionist himself. He was a president of a trade union and when he talks about the conditions on the factory floor, talking about the workers, he is talking about his experience, he is talking about the experiences of the membership of the organisation, so that I think what he is saying is that they as workers are experiencing these (30) problems/...

problems and they are part of a society that is struggle to bring about changes which would alleviate their suffering, bring an end to the suffering. I think it must be understood in that context.

Is it not so that the workers must be part in smashing the brutal system of apartheid? Will you have a look at the next page, the second paragraph? It is still the same speech. -- "The stood unflinchingly in the face of police guns, batons, dogs and teargas. This has been a point of no return and left a memory in the minds of freedom loving (10) people which could never be erased. With the suffering of their children in mind, workers threw themselves into the gask of organising to smash this brutal system."

Do you agree now that the workers are an important part in the freedom struggle, according to this man and the message he brought to the people at that conference? -- I think may be I should read it in context, but any way, I do not think that there is any dispute as to the importance of the participation of the working people in the struggle against apartheid and indeed, all parties have regarded (20) the workers as important. The Nationalist Party has done so. Today we have Mr Arrie Paulus who is the general secretary of the Mine Workers Union as an MP who is sitting there in parliament, the NP for Carletonville. So, that really any organisation, any party would seek to win the support of the workers. I do not think there is any dispute on that issue.

Can you tell me, on this first part that you read "We as workers know that nothing is changing and we cannot remain aloof", is it the perception of the UDF and the belief (30) of/...

of the UDF that nothing will change in this country? -- That is not the perception of the UDF, but obviously we believe that we have got to organise, we have got to demonstrate our support to influence meaningful change, to put pressure on the government to change. No doubt if everything is quiet the government will drag its feet or it may not even change. I think I understand the speaker to be saying here that they as the workers are as oppressed as any other person. They are experiencing the problems that other oppressed people are experiencing and they have got to participate in (10) efforts made by the oppressed communities to bring about changes, to end their miseries. I understand him to be saying that. He says we cannot be spectators, we are part of those who are oppressed. We are suffering ourselves.

[Can you tell the Court, the UDF declaration, was it drawn up before the launch and only accepted at the launch?]
-- No - yes, it was drafted before the actual launch, the first draft.

And were you part of that - part of the people drawing up that declaration of the UDF? -- I did not draw it up myself. I did participate in the discussions.

And in the drawing up of it? -- There was a committee, a special committee that was appointed to do the drafting.

Were you a member of that committee? -- No, I was not a member of that committee.

Who were the members of that committee? -- My recollection is that Azarka Tjalia was on that committee. I think Mr Paul Davids from Natal, he is an attorney.

Is he from Natal region? -- That is correct.

And Tjalia, was he in any region? -- Tjalia is from (30)

the/...

the Transvaal region. He was not on the executive at that stage. He was just a member of the TIC. I think Reverend Chikane was also in that committee.

Was he a member of any of the three regions? -- He was. He was on the Transvaal Regional Executive.

What was he? -- He was the vice-president at the time. I am not sure but I think Cassim Saloojee was also on that committee.

Was he a member of a region? -- He was on the Transvaal Executive at that time. (10)

In what capacity? -- I am not certain. I think he was just a member of the Transvaal Executive. I am not quite sure.

Someone else? -- Those are the names that I can remember.

Just to round this off about, before the launch, the regions, were there any organisations affiliated to the regions at that time? -- There were.

You said you have seen the draft of the declaration of the UDF before the time. Did you discuss it in full with anybody? -- The draft? (20)

Yes? -- Well, there was a discussion with the committee that had drafted it and it was agreed that it was acceptable in the form it was and it was presented for adoption at the conference.

Were you satisfied with that declaration at the time before it was accepted? -- I think what one could say was that the declaration was really discussed the first time I think, the draft, on Friday night and it was agreed that the committee must go back to redraft it to make it something that would be readable. They way it was written, it was (30)

not/...

not written in a language that could be - it was not a flow of the language. So, it was referred back and they went to work on it at night. On the morning of Saturday a draft was showed to the joint secretariate, the advanced planning team, which comprised the secretaries of the regions, after which it was then presented to conference to be debated there further and for amendments and adoption.

Were you all satisfied with this draft and this declaration in the final form that it was accepted? -- That is correct. (10)

Will you have a look at the declaration at page 5, EXHIBIT A1. First let me ask you, there were certain facts that were accepted as unchangeable facts that you want everyone who joins the UDF who affiliates to the UDF to accept and understand. Is that correct? -- Unchangeable facts? Surely, when people go to a conference they have the right to change what they do not like. There was nothing like that.

You adopted certain facts that you regarded as unchangeable at that stage. (20)

COURT : Let me get clarity as to what the question means. Do you mean before the final draft was accepted by the conference, the draft was accepted by the conference, or do you mean that after the final draft had been accepted by the conference? At what stage?

MR JACOBS : When it was accepted.

COURT : So, as is, as it stands in A1?

MR JACOBS : In A1.

COURT : What is the question?

MR JACOBS : That certain provisions in that ... (Court (30) intervenes/...

intervenes)

COURT : Why do it this way? Is the declaration to be the basis on which somebody subscribes to the UDF? -- If that is the question, yes.

MR JACOBS : At that time, everybody that accepts it must understand if you start at the third paragraph "We know that apartheid will continue." That was a fact accepted by everybody? -- That is correct. Understood in the context of the constitutional proposals as at that time. All we were saying was that in terms of this new constitution, (10) the apartheid will continue, because it is not addressing the fundamental problems of apartheid.

There is nothing said here in the context of the constitution? -- Yesterday - it is true that there is nothing said here in the context of the constitution. Is was a member of the United Democratic Front. I understood what it was all about. Yesterday when I dealt with this declaration I dissected it into - I think I divided it into four sections and I said that the first section deals with the vision of a new South Africa, apartheid free South Africa, (20) as seen by the organisations that had gathered there and I said the next aspect of the declaration dealt with the attitude to the new constitution and the Koornhof bills as well as to the idea of a United Democratic Front and I went on to say that the third section of the declaration deals with the reasons why the organisations present there objected to the constitutional proposals and the Koornhof bills and I said the fourth and the last section was really an attempt to answer the question that if we say this is how the new constitution is going to affect us, what then are we to do. (30)

That/...

That sections starts with big letters there where it says "We commit ourselves to uniting all our people wherever they may be, in the cities and countryside, factories and mines, schools, colleges and universities, houses and sports fields, churches, mosques and temples to fight for our freedom." From that part downwards deals with a response to the question. What are we going to do now in the light of the way in which we have analysed the constitution, the Koornhof bills and concluded that it is going to affect us. So, that these things that are said here, that section that counsel (10) had isolated, it is in the context of the new constitutional proposals. What was the new constitution going to do about apartheid as it affects us. You will see there it talks about White domination and exploitation. It talks about forced removals. It talks about group areas act. It talks about Bantustans and so on. It was in that context that that section was put in the declaration. I need to make this point, the UDF was about the new constitutional proposals and the Koornhof bill. There is no way in which you can attempt to move it away from that. No way. It emerged as (20) a response to the constitutional proposals and the Koornhof bills.

Is it an accepted fact by all who subscribe to the declaration and becoming part of UDF that they accept that White domination and exploitation will continue, that forced removals, group areas act and the Bantustans will remain? -- In terms of the new constitution and if nothing is done about the new constitution, yes, that is the position.

And is it all accepted and is it wellknown to everyone that we know that there will not be an end to the unequal (30) distribution/...

distribution of land, wealth and resources of the country that the migratory labour system will live on to destroy family life. Was that an accepted fact that that will continue? -- That is so, all these things in the context of constitutional proposals as they were at the time.

We know that the government will always use false leaders to become its junior partners and to control us. Our lives will still be filled fear of harrassment, bannings, detentions and death. -- That is so.

And mindful of these facts that the new constitutional(1) proposals and Koornhof bills will further entrench apartheid and White domination.

COURT : What in fact is set out there is mindful of the fact that the new constitutional proposals and Koornhof measures will further entrench apartheid. -- That is so.

MR JACOBS : Do you agree that it is accepted then by everyone before they commit themselves, that this is the situation. Do you agree to that, this is a fact now, everybody knows what was said here and they agreed to that when they decided to join the UDF and decided to become part of the freedom (20) struggle? -- Well, those who were present there having carefully analysed the constitution, they understood it to be as it is.

And those afterwards joining the UDF, they also must adhere to this and acknowledge it, they must accept the declaration of the UDF before they can become a member of the UDF? -- Ideally those who join the UDF should accept the declaration of the UDF. It might well have happened that one or two organisations might have joined the UDF without having properly started the declaration. Some of these (30) things/...

things have got to do with administration, the efficiency of the administration and what organisations joining the UDF want to know before they come and join. It may well be that one organisation has been reading a lot about the UDF in newspapers, they have attended meetings of the UDF, they have heard UDF officials talking about what the UDF was and might have decided to join without having thoroughly studied the declaration on the basis that they had satisfied themselves that the UDF was a non-violent organisation, it was a good organisation. There may be those exceptions. I (10) cannot say every organisation, but ideally, that is the situation we would have liked to see each organisation adopting this declaration and defending it as and when the need arose.

Do you know of any organisation joining the UDF without accepting the declaration? -- Well, I have indicated earlier on that in the national office, I was not dealing directly with the affiliates. I was dealing with the regions of the UDF. As a rule there would have been exceptional circumstances where I would have had to talk to the affiliates (20) and so on. So that I cannot say with certainty that every organisation that joins had been a declaration, but as a rule we would give a declaration to an organisation to have a look at and then decide whether they would want to be part of the UDF, but I cannot say that in fact that is what happened with each and everyone of the affiliates.

Will you agree that this long answer that you have given to the Court is pure speculation now? -- I am not speculating. I am asked to say that every single affiliate, am I certain that every single affiliate who joined the UDF, would have (30)

seen/...

seen this declaration. In respect of those affiliates who are present at the national launch, yes, but those who joined later, they were not present when they applied for membership" and so on. I cannot say so strictly.

And it is a pre-condition of any organisation who joins the UDF to adhere to and accept the declaration? Is it correct? -- That is correct, the principles in the declaration. The declaration so to say.

During your time of your duty as a secretary, do you know at any stage about a decision or a plan to ask organi-(10) sations to sign the declaration as a sign that they adhere to it and feel bound to the UDF? -- Yes, not feel bound to the UDF, to know they are part of the UDF. I know about that, a decision taken that that must be the procedure followed. I think the matter was either discussed at one of the NEC meetings or at the Secretariate meetings, but once more, a decision may be taken but as to whether those who are required to implement it, do it to the T, is something else. Decisions have been taken by the NEC. Quite often I have found myself unable to implement that as a secre-(20) tary because of the pressure of work, because - yes, because of the pressure of work and the fact that we were understaffed. So, that when one comes and looks at the documents where a decision was taken, he might conclude that that was done, but in essence, in practice it might not have been done.

Do you know whether this decision that was taken, whether it was implemented? -- I think by and large it was.

And after the launch of the UDF, when an organisation wanted to join the UDF, did somebody from the UDF go out (30)

to/...

to the organisation and his locality and explain to them what the UDF was, what the declaration stands for? -- Well, it did happen from time to time on request. We did it even with individuals who were simply interested in the UDF, but I cannot guarantee that it happened all the time. It may well be that rather than somebody going from the UDF to these organisations, those organisations would send their own officials to talk to officials of the UDF and they go back and they explain to their members.

Do you know whether officials of the UDF go out to (10) certain areas to initiate the forming of an organisation so that I can affiliate to the UDF? -- Such reports were received I think. Especially in respect of the Western Cape. Possibly I think from Natal also.

Did you yourself go out to places to propagate the UDF and to get the people to start an organisation to join the UDF? -- I have done so many times. I have spoken to people. I have encouraged them to form organisations to support the UDF, but I do not know if I can point at a specific organisation that was formed as a result of my individual effort. (20)

You gave evidence that you went out to the Vaal before -
(I think was 18 September. -- That is correct.

For what purpose did you go there? -- I had said that after the UDF was launched there was a general drive to publicise it, to popularise it, to address meetings in various parts of the country. Some of the meetings were called by individuals who were interested in the UDF. Others would have been meetings formed by then existing organisations. Some affiliated to the UDF, others not and asking the UDF to address them. This meeting in the Vaal Triangle was a (30)

meeting/...

meeting organised by individuals who were interested in the UDF, who wanted to hear more about the UDF and I recall the name of Tshepo. When I gave evidence-in-chief I had forgotten the surname. I think now the surname was Sebusi. The other person who was involved there was Hlahluku, Thembe-kile. I had gone there to speak to the public about the UDF to let them know what the UDF was all about and where possible to appeal to those present to set in motion a process of organisations which I would have pushed to see affiliating to the UDF, but when I got there, I found (10) that people had long decided themselves to form an organisation. They had decided around June or so that they wanted to form their own organisation. So, what I said was, that really does change the situation and in fact they told me that they would not do what I was suggesting to them, that they should do.

That organisation you are referring to now, which organisation is that? The Vaal Civic Association? -- Later it came to be known as the Vaal Civic Association. At that stage I do not know what they were going to call it. (20)

Before the launch of the Vaal Civic Association, did UDF in any way assist them in forming an organisation? -- I personally did not. I do not know.

Was it not one of your duties specifically as secretary to assist the organisation of the people in forming organisations? -- In areas where there were no regions of the UDF, yes, but in areas where there were regions of the UDF, it would have been the responsibility of the regions of the UDF to do that. However, that did not preclude the fact that if I was invited I would not go there, but my priority (30) would/...

would be - would relate to the national work of the UDF.

Was it ever reported in any way at the National Executive Meetings of any assistance given to the people in the Vaal?

-- I cannot remember that such a report in a National Executive meeting that I had attended was given.

What Mr Ndou said here, referring that they know that nothing is changing, is it not line with what is stated here in the declaration? -- What section in the declaration?

We know that apartheid will continue and that there will be no change at that stage at least? Mr Ndou's speech(10) is on page 40. -- Which section of the declaration is the learned counsel referring to which says nothing is changing?

I put it to you that he is referring there that workers - "We as workers know that nothing is changing and we cannot remain aloof" and he refers to this declaration they accepted and where they accept that "we know that apartheid will continue." -- I do not agree. He is saying nothing will change. The UDF says the fundamentals of apartheid are remaining. There is certainly change. There was change, but the fundamentals of apartheid, the key elements of apartheid(20) were not changed. So, I would not equate the two statements.

You gave evidence that you were part of the Soweto Civic Association? -- Before I answer that question, may I also indicate that when this man spoke there, the declaration of the UDF had not yet been adopted and he was not party to the discussions relating to the draft of that declaration. Yes, I was a member of the Soweto Civic Association.

Could we just get clarity on your last answer. This speech of Mr Ndou, was it given at the rally or at the conference? -- It was given at the rally.

(30)

And/...

And was the rally not after the conference, after the adoption of the declaration? -- Yes, I think I am mistaken.

You made a mistake? -- Yes, I made a mistake. I was confusing the two. I was mistaken.

I want to refer you to one of the affiliates "State of the Soweto Civic Association." That is EXHIBIT C16. From page 2 under the heading "The theory of change and organisation." Will you read it please? -- "Some people think that change or freedom can be brought about by a clique (small group) persons in leadership positions, persons who shout (10) slogans, address public meetings and speak to the people through newspapers, people who decide for their masses and work for their masses. These people monopolise skills, knowledge and information. They believe that the masses are completely ignorant and incapable of producing their own leaders to lead the struggle."

Is this part in line with the policy of the UDF, read so far? -- Yes.

COURT : What is in line with the policy of the UDF? That some people shout slogans. That the small clique can bring (20) about freedom?

MR JACOBS : Yes.

COURT : Well, how can this be in line with the policy of the UDF because it just says some people think this? -- I think I interpreted this thing and took an attitude and thought that that attitude was included in this paragraph.

Well, do not run along with counsel too easily. Repeat the question.

MR JACOBS : The fact stated here that freedom cannot be brought about by a clique or small group of persons in leading (30) positions/...

positions, is that in accordance with the policy of the UDF as well? -- Yes.

Carry on? -- The UDF believes that the ordinary people must participate in matters that are affecting them and it is also crucial to demonstrate the support in popularity of organisations to influence change. What section must I read?

Just carry on? -- The next paragraph?

Yes? -- "It is important that we do not fall into this trap. The danger of this approach is that it creates - I (10) think this word should be bureaucracy."

COURT : I like that spelling. It shows exactly what bureaucracy is about. -- "Stifles initiative, does not allow scope for democratic processes. It also does not allow for development of the masses awareness as it denies them the opportunity to participate in their own struggle to determine their future."

MR JACOBS : Is it also the belief and policy of UDF that the masses must participate in the struggle? -- It is in line with the policy of the UDF in the context in which (20) it is set out here, although I must point out that this is not a UDF policy document, but its contents is consonant - this paragraph is consonant with the views of the UDF with regard to the participation of the ordinary people.

Go on to the next page, please? -- The next page reads as follows "Our understanding of how change will become about is completely different from the above. We are convinced that change can only come about through active involvement by the masses. We need to involve the masses in our programs, for the struggle belongs to the masses, not to us as small(30) groups/...

groups of activists or so-called leaders. The UDF in its million signature campaign handbook accepts that it is the people, not a few leaders, who make history. If one hand two hundred people go and confront the local authority about rent increase, but do it in an unorganised manner, that is one or two individuals at a time, their voice should be ignored, but if on the other hand two hundred people, organised residents confront local authority on the same issue, their voice is likely to be listened to."

Do you agree that this is in line and in accordance (10) with the UDF policy also this part about "We are convinced that the change can only be brought - came about" I see there is a word written in "through active involvement of the masses." -- The whole paragraph as set out is in consonance with the views of the UDF.

Go on. -- "The first group's position demonstrate the uselessness of division, lack of organisation and the danger of individualism. The organised groups prove that common interests, opposition to high rents, can only be effectively translated into action when people are united, mobilised (20) and organised to stand by their rights."

Do you agree that his last paragraph that you read "The organised groups prove that common interests, opposition to high rents can only be effectively translated into action when people are united, mobilised and organised to stand by their rights", is that also according to the UDF policy? -- The second and the third paragraph taken together. I do not think we can isolate that part from the first two lines.

So, it is also, the masses are the people that will be active in the struggle and this is in accordance with both (30)

UDF and Soweto Civic Association policy. Is that correct?

-- May the question be repeated?

COURT : Is this what is set out here, the policy of the UDF and is it also the policy of the Sowet Civic Association?

-- This is not the policy document of the NEC and it is not a policy document of the UDF. However, the views that are expressed here are the views that they do not conflict with the views of the UDF on these matters. Similarly with the views of the SCA.

MR JACOBS : Can we go to another exhibit, EXHIBIT C17. (10)
That is the second document. This is a document found in the offices of the UDF National Johannesburg. Sorry, I withdraw the question.

COURT : How does this document come before Court?

MR BIZOS : It is only the National that the prosecutor should have corrected.

COURT : Oh, he withdraws the National and not the whole question?

MR BIZOS : Not the whole question. That is how I think he should be understood. (20)

MR JACOBS : There are two documents, a letter and an annexure. The annexure is the second document. "The United Democratic Front Border Region Annual Secretary report." That was found in the offices of the UDF as I have said.

Will you have a look at the second document the last page. Do you agree, without reading it, the first paragraph on this page, it is again stated here that the base of the struggle of the masses of our people? -- Yes, that is what it says.

They must bear the bulk of the UDF activities? -- (30)

Yes/...

Yes, that is what it says.

Will you have a look at EXHIBIT C138. The document in the front is United Democratic Front, First AGM 16 and 17 March 1985, reports and resolutions." Page 5 at the top "UDF Western Cape."

COURT : This is a secretarial report. UDF Western Cape Secretarial Report part 1.

MR JACOBS : Paragraph 2, can you read that out, please? -- If I may just comment. I had not seen it before my arrest. I had not seen this document. I saw it for the first time (10) as an exhibit in this case. Should I read it aloud?

Yes, please. -- "The government itself is in the weakest position since it came to par in 1948. Every move it has made to keep apartheid alive, the Black Local Authorities, tri-cameral parliament and the Coloured Labour Preferential Policy has collapsed as a result of mass action. More than that, these policies have very directly brought this country to the brink of economic win. We are now witnessing the most callous attempt by both the government and the bosses to shift the burden of economic crisis onto the (20) backs of our people. Every day the toll of retrenchment and high prices ... "It seems like that sentence is not complete.

ASSESSOR (MR KRUGEL) : Rises. -- Oh, it is rises. I read it as crisis.

MR JACOBS : Do you accept then again - is it correct then again that the masses are regarded as people who were responsible for the collapse of the Black Local Authorities? -- The tri-cameral parliament and the Coloured Labour Preferential policy, all those. You cannot isolate the BLA. It refers (30) to/...

to all those things. So that whatever we say must be in context. It is so, the document says so. It refers to Black Local Authorities, tri-cameral parliaments and the Coloured Labour Preferential policy.

COURT : The Coloured Labour Preferential Policy, is that a sort of an influx control which was limited to the Western Cape? Is that what is meant there? -- In a sense it was that. What it really said was that in the Western Cape, because the Western Cape was predominantly Coloured, jobs which were available, if jobs were available the priority(10) should be given to the Coloured people. They must be given first preference. Only when there was no Coloured person to fill the post, could an African be employed in that position.

MR JACOBS : Did the Black Local Authorities - did they fail?

COURT : Are you moving away from this document?

MR JACOBS : No, I am going to another part of it.

COURT : Well, are you asking a general question or should the witness read the document? (20)

MR JACOBS : It is a general question.

COURT : Very well, just leave the document aside for a moment. -- Yes, I think the BLA policy has failed.

MR JACOBS : Is that because of mass action? -- Mass action yes in the form of boycotts and refusal to participate in their schemes. I think so.

Is it part of the failure of the Black Local Authorities because of riots in the Black townships? -- Well, that I do not know but what I know is that they have failed because they did not get the support that it was intended that (30) they/...

they would get when they were introduced. The elections were boycotted and I must also add that they have failed because the government was not prepared even to address the very basic question of how they were going to be financed. In fact, they have failed because they were presented as a substitute for meaningful political right. Black people did not have track with a thing that was presented as a vote to them when other people were participating at a number of levels of government up to the central government.

Is it not so, you did not answer my question, did (10) they fail because of mass action? -- In the context that I have defined it, partly they have failed because of that, but partly because of the very subjective witnesses arising from the failure by the government to address key questions relating to that.

Did they fail because of the mass action in that they were intimidated to resign by the mass actions taken against them? -- I do not know of any intimidation to them to resign and my understanding of this thing, of this section of this report does not refer to intimidation. That is not part (20) of the UDF policy any way. It is, as I understand it, referred to in the same context that the tri-cameral parliament is dealt with here and this relates to the boycott campaigns of the UDF. There is no question of intimidation as far as I am concerned.

In general, the boycott campaign of the UDF was carried out by different organisations. Is it correct? -- It was carried out by its affiliates. There were instances where affiliates themselves initiated campaigns for instance against the BLA quite apart from the UDF, even before the UDF was (30) formed/...

formed and there were other organisations which were not part of the UDF which had their own campaigns. You had the AZAPO, you had the National Forum Committee. There was the Western Cape Action League, which itself was an umbrella body of a number of organisations in the Western Cape. We referred earlier on to APDUSA. Inkatha also boycotted those elections. There was really a whole range of organisations which were involved in this thing and not necessarily working together.

[I put it to you where UDF affiliates campaigned in these Black local townships where there were Black Local Authorities, they were intimidated to resign. They were put to fear. -- Well, as far as I am concerned that is not true. It has never been part of the policy of the UDF to intimidate people to resign. In fact, we have made statements time and time again and we said that we would not intimidate anybody and in fact we were prepared to attend the meetings of those who supported the government and who raised questions which would expect them to answer. We were extending invitations to some of them to attend our meetings, to come and explain to us how they thought what they supported would solve the problems of the people. I issued a statement in respect of attacks on an activist who had attended a Labour Party meeting, I think it was a Labour Party meeting, in Benoni, in the East Rand. I said that the UDF refused to engage in acts of violence which supporters of the Labour Party were involved - of the party in question. I think it was the Labour Party. One can always go back and refer to the document. We said that we do not want to be fellow travellers in such kinds of activities. So, that it is not the policy of the UDF to do that and ... (Court intervenes) (30

Was/...

COURT : Was that meeting broken up? Was that Labour Party meeting broken up? -- No, some people were beaten up when they were asking questions in that meeting. I think they were beaten up by the police and some supporters of the Labour Party.

Yes, but what was your statement about it? Was your statement in favour of the activists who were beaten up or in favour of the people who had beaten them up or in favour of the police who did not beat up anybody? -- My statement was - the substance thereof was condemning the actions of (10) the attack on our activists.

On your activists? -- Yes, saying that the UDF would not be party to what they were doing.

Attack your own activists? -- That would not attack in response. I think also, you know what counsel is putting to me must be understood in the context of the general approach of the UDF to these matters. When for instance we went to the elections, to monitor the elections, in particular those of the tri-cameral parliament, we went out of our way to get legal advice and to make sure that those who were (20) going near the polling stations did not interfere with the voters, did not break any law. That policy never changed. We have always continued to stick to that policy.

MR JACOBS : Was it part of the strategy of the UDF that the affiliates must mobilise the masses against the Black Local Authorities around the issues of rent, evictions? -- I think it was anticipated that in the future those things would receive attention.

What do you mean by anticipated in the future? -- At the time when the UDF was campaigning, the key issue was (30)

to/...

to mount an effective boycott. That was the issue of both the Black Local Authorities and the new constitution, the tri-cameral parliament. Inevitably of course in the course of that issues of rents would have been made but the UDF did not initiate any campaign, rent campaign, co-ordinate any such a thing, but it would have been referred to from time to time in speeches and may in documents as part of the problem that was directly connected with the whole question of the Black Local Authorities, the question of how it was going to be financed. (10)

Do you say then that it was not part of the policy of the UDF to make use of these propaganda against the councils and to use evictions and rent increases as part - to be used by the different affiliated organisations in order to mobilise and politicise the masses against Black Local Authorities? -- May I ask counsel what he has got in mind by propaganda? Before I deal with the question.

Can you give us an answer because - it is correct that the UDF uses propaganda? -- But what is the context in which counsel is using propaganda? (20)

COURT : Do you not understand the word propaganda? -- Well, it has been used in a number of ways. It has been used in the sense that what you are saying is not true, you are merely saying it because you want to promote your interest. At another level propaganda simply means an act, it relates to the propagation of opinions or views of an organisation, policies of an organisation. In what context is counsel using it?

MR JACOBS : Did you in the UDF use propaganda?

COURT : In what sense? (30)

MR JACOBS : I want to know from him. I cannot explain what sense the UDF is using it in.

COURT : Let me help you a bit, Mr Jacobs. Did you in any way use propaganda in the sense of truths and/or half truths and/or untruths to further your cause? -- We have used propaganda in terms of propagating our beliefs, our views. Where we had spoken about issues, we have done so with the full belief that what we were saying was correct. If we are saying that rent is a problem, we were saying so in the full belief that we were correct and that we know that (10) communities had been struggling around those issues over a period of time and those things were not used as scape goats for anything else or stepping stones.

MR JACOBS : Did you in the UDF then use the rent issue, use the evictions as a means of mobilising and politicising the masses against Black Local Authorities? -- It is very likely that the UDF in its campaign against the Black Local Authorities pinpointed an issue of evictions of high rental as a reason why the Black Local Authorities were unacceptable, but I cannot say specifically if this in fact did happen, (20) but it is possible that in speeches and so on it was mentioned.

As part of the strategy of the UDF? -- Well, when an organisation takes up an issue, if it is talking about apartheid, it deals with apartheid in all aspects, in all its ramifications, looking at how it is affecting people. The issue of evictions was a real problem. The issue of high rental was a real problem. It was not a strategy. The strategy was to build a organisation to unite people. That you can call a strategy, but the mention of those issues, you cannot call that a strategy, because it depends on whether the thing (30) exists/...

exists or does not exist, but a strategy is something that one employs as a means of achieving a goal.

Was it a goal to have the masses mobilised and politicised -- The goal was to frustrate the elections for the Black Local authorities to boycott, to mount an effective boycott. The strategy to achieve that would have included organising the people, building strong organisations and uniting them. That is the vehicle that is used to realise that goal.

Why do you not answer? Was it a goal or was it not? Yes or no? -- It was not a goal. (10)

To have the people organised, mobilised and politicised? -- It is not a goal. It is a means to a goal.

And in order to get the people mobilised, organised and politicised, did you use - in the UDF was it part of the plan of action to use high rents, evictions and calling them [puppets,] was that part of the plan to get the people to get mobilised, to get politicised, to get organised? -- I beg to draw a distinction between the calling of people puppets and addressing concrete issues like the rent, the evictions and so on. Those are part of the problems that would have (20) been mentioned in the course of the work of organising to show that these problems are not being solved by the local authority that is being introduced. It is incapable because of its very nature. The question of puppets relate really to political language. It is something that has been said over many, many years. It would have appeared from time to time, may be in the speeches, but that is not because it was used to achieve anything. It was mentioned because firstly I pointed out that the structures themselves, the Black Local Authorities structures were puppet structures themselves in/...

in the sense that they did not have meaningful powers to change the conditions of life of the Black people in the community. Inevitably, anybody who goes in there, no matter how brilliant he is, no matter how articulate, in the form in which they were, they would term that person into a puppet because he would not be able to change anything, he would simply have to carry that policies of apartheid which are formulated at government level. In that context it was used.

I would like you to have a look at EXHIBIT C23. We (10) have already read it once. I want to make this point clear here. The last paragraph here on page 4 of the speech of Professor Mohammed the one with the heading "The broad struggle". I put it to you that Mr Mohammed from the UDF has taken the correct position here where he said that it is a national struggle for total liberation and the masses - the start of it, the masses have been - the masses have learnt of their massive strength as an organised working class and they are in a national struggle for total liberation. (20)

COURT : This is page 4 and you are referring to the first paragraph and not the last paragraph and you are referring to the third sentence of that first paragraph on page 4. Is that correct?

MR JACOBS : It is actually the fifth sentence. It is the masses who are in the national struggle for total liberation. That is the point that he is trying to make here. -- What is the question?

My question that I put to you is that what Professor Mohammed said here at this meeting, the message he conveyed (30)

is/...

is that the masses have learnt of their massive strength and furthermore that they are engaged in the national struggle for total liberation. They are the spearhead in that and I put it to you that ... (Court intervenes)

COURT : That is what Professor Mohammed said. What is the question?

MR JACOBS : And that is correct in the strategy and aims - according to the strategy and aims of UDF. -- What is in accordance with the strategy and aims? That the masses have learnt? (10)

I put it to you what Professor Mohammed said here that the masses have learnt of their massive strength and further said that they are in the national struggle for total liberation, that is in line with UDF strategy and that is in line with the aims and objects of the UDF? -- It is still difficult for me to understand what counsel is putting. Is counsel saying that the UDF is involved in a national struggle for total liberation?

Yes, inter alia that. I said so, yes. The masses have learnt of their massive strength and that they are (20) important in this national struggle for total liberation? -- Professor Mohammed is just making an observation. He is simply saying that people have learnt through their experience and so on and he says they have brought us together in a national struggle for the total liberation. The masses have brought us together in the struggle for total liberation. I do not know what he had in mind, but I have got no objection to the fact that the UDF is involved in the struggle to end apartheid and if by total liberation he means - I have got no problem with that. (30)

Will/...

Will you accept that it is in actual fact the masses who must be the liberators in the freedom struggle? They are the instruments who must be the liberators? -- I do not accept this suggestion that they are instruments used by who? I believe that the masses as people who are affected have got to participate in changing the conditions of their own lives, in determining their own future. To that extent and participating as members of organisations or led by organisations that are popular, in that context, yes, I accept it. But I do not accept that they are instruments. It may mean(10) too many things. The immediate one being that they are being manipulated by certain people.

I put it to you further the task of the UDF and the people in charge of the organisations, that all the affiliates of the UDF, their task is to direct and co-ordinate the masses in this freedom struggle? -- That is correct.

And if that is the case, then is it correct that the masses must take the action and you in the UDF and in the organisation only direct them what action to take? -- No, I have already indicated that these people as part of orga-(20) nisations. I have said so and I have earlier on indicated that it is important that they participate and they are drawn into organisations in order to avoid the spontaneity of action to ensure disciplined approach to issues and clear planning and definition of goals. In that context I, if it is put in that context, I accept the proposition. If it means the UDF sits there and it manipulates people, I disagree. The organisations we are talking about are organisations that are formed by the people. The UDF's emphasis all the time is that those people must participate in the activities(30

of the organisations. We made it very clear on many occasions that we do not believe that a small group of activists those who are active in organisations all the time, are the ones who must decide for the people and use their understanding of issues as a yardstick to determine the understanding of the ordinary people. They must find a way of allowing the ordinary people to participate in these issues. Those matters are very crucial to us, as organisations that are operating within a community that had never tasted democracy. Our people are people who live a life of being shunted from (10) pillar to post, either by the bosses in the factories or the madams in the homes where our mothers work as domestics. We do not want to extend that kind of situation, where we want to pull around people by their noses. We want our people to taste democracy and that democracy can be tasted in our organisations. They can begin to develop their own confidence. To do things on their own. To decide on matters that affect them in or organisations. If we do not do that, we are merely perpetuating what the present government is doing, whether it is denying is the right to participate (20) in those things, where in the factories we simply are shunted around as workers or as garden boys and washing girls. That the UDF does not want to promote. It is simply not in line with our approach.

And I put it to you the basis for this co-operation and co-ordination is a declaration of the UDF? -- Of which co-ordination?

Of all the activities that the masses must participate in?

COURT : What does that mean? We have already got it on (30) record/...

record, if you join as a member of affiliate of the UDF, you subscribe to the declaration. Do you say that the declaration is a blue print for action or what does the question entail?

K834 MR JACOBS : I will rephrase my question. Is it correct that, you have mentioned it otherwise, but I put it to you that your evidence on the autonomy of all the organisations is not totally correct, but they must adhere aspects of the UDF policy and the basis of this co-operation between UDF and the affiliated organisations is found in the declaration (10) and the working principles. -- That is correct. That much I have said. But that does not mean that the organisations are not autonomous. When the front is set up by a number of organisations, no doubt they will have to agree on broad principles and they would be the working principles and the declaration. But as to their day to day activities as organisations, that the UDF cannot decide for them, so that whilst they are adopting this declaration and the working principles, that does not usurp their autonomy. Obviously as organisations that have come together, there must be a (20) basis upon which they come together. Some sort of principles that they accept.

The basis of this is also stated in EXHIBIT A1 page 2. There it is clearly stated that it is the basis as agreed by you. Is it correct? -- Yes, I agree. Is that the paragraph that reads as follows "Prior to the rally a conference of two thousand delegates and observers from more than five hundred organisations around South Africa adopted the national declaration which forms the basis for co-operation between organisations in the UDF"? Is that the one? (30)

That/...

That is so? -- Yes, I agree that is the basis.

And at the time of the launch of the UDF extensive plans were already made to engage the State on different levels in the freedom struggle. -- Is learned counsel reading that from this document?

Yes. -- What is the section?

Paragraph 4 page 2, the fourth paragraph. -- Is the question that ... (Mr Jacobs intervenes)

From the fourth one, can we go from there.

COURT : Please read to the Court, Mr Jacobs, what sentence (10) you are referring to when you make that statement.

MR JACOBS : This whole portion is important now for the next part of the cross-examination.

COURT : The next part of the cross-examination I think we will take tomorrow morning.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 13 AUGUST 1987.

DELMAS TREASON TRIAL 1985-1989

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